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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF

THE STATE OF INDIANA,

DURING THE

TWENTY-SEVENTH SESSION

OF THE

GENERAL ASSEMBLY.

INDIANAPOLIS:

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1842.

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
OF THE
STATE OF INDIANA,

Begun and held at the Capitol in the town of Indianapolis, on Monday the fifth day of December, in the year of our Lord one thousand eight hundred and forty-two, being the day fixed by the Constitution of the State of Indiana for the meeting of the General Assembly.

The House having been called to order by Joseph F. Brown, Principal Clerk to the late House of Representatives, the following members produced their credentials, were sworn into office by the Hon. James W. Borden, President Judge, of the 12th Judicial Circuit of the State of Indiana, and took their seats, viz :

From the county of Wayne—Daniel Strattan, Allen Hiatt and William R. Foulke.

From the county of Dearborn—Ethan A. Brown, John Lewis and James P. Millikin.

From the county of Vigo—John Hodges, John Strain and Septer Patrick.

From the county of Putnam—John Real, James Denny and John H. Roberts.

From the county of Rush—Joseph Lowe, George W. Brown and George B. Tingley.

From the county of Parke—William G. Coffin and George R. Steele.
“ “ “ *Clarke*—Thomas J. Henley and John S. Simonsen.

30667

From the county of Harrison—Frederick Leslie and George P. R. Wilson.

From the county of Washington—Ezekiel D. Logan and Valentine Baker.

From the county of Marion—William J. Brown and Thomas Johnson.

From the county of Jefferson—David Hillis and Samuel Goodenow.

“ “ “ *Franklin*—George G. Shoup and John P. Cooley.

“ “ “ *Fayette*—Newton Claypool and Miner Meeker.

“ “ “ *Laporte*—John H. Bradley and John Francis.

“ “ “ *Henry*—Simon Summers and Isaac Parker.

“ “ “ *Fountain*—Joseph McCormick, John Stewart.

“ “ “ *Montgomery*—John Nelson, Henry T. Snook.

“ “ “ *Tippecanoe*—Isaac Shelby, William L. Leyman.

“ “ “ *Boone*—John Chrisman, Jonathan H. Rose.

“ “ “ *Madison*—John Davis, Robert N. Williams.

“ “ “ *Orange*—Henry Lingle.

“ “ “ *Shelby*—Fletcher Tevis.

“ “ “ *Warrick*—Isham Fuller.

“ “ “ *Vanderburgh*—William Brown Butler.

“ “ “ *Knox*—John Myers.

“ “ “ *Sullivan*—John W. Davis.

“ “ “ *Clay*—John B. Nees.

“ “ “ *Vermillion*—William Bales.

“ “ “ *Warren*—Nathaniel Butterfield.

“ “ “ *Clinton*—Andrew Major.

“ “ “ *Carroll*—Andrew L. Robinson.

“ “ “ *Morgan*—Francis A. Matheny.

“ “ “ *Johnson*—Franklin Hardin.

“ “ “ *Jennings*—Dewitt Clinton Rich.

“ “ “ *Floyd*—Nathaniel Moore.

“ “ “ *Scott*—Elisha G. English.

“ “ “ *Jackson*—Ezekiel L. Dunbar.

“ “ “ *Switzerland*—Perret Dufour.

“ “ “ *Ripley*—Henry J. Bowers.

“ “ “ *Decatur*—David Montague.

“ “ “ *Cass*—Chauncey Carter.

“ “ “ *Elkhart*—John Jackson.

“ “ “ *St. Joseph*—Hugh C. Flannegan.

“ “ “ *Allen*—Lewis G. Thompson.

“ “ “ *Hendricks*—Henry H. Marvin.

“ “ “ *Delaware*—Goldsmith C. Gilbert.

“ “ “ *Grant*—John Dunn.

“ “ “ *Posey*—Arza Lee.

“ “ “ *Gibson*—John Hargrove.

“ “ “ *Spencer*—John Proctor.

“ “ “ *Perry*—Joshua B. Huckaby.

“ “ “ *Randolph*—Robert W. Butler.

“ “ “ *Union*—James Osborn.

From the county of Greene—John F. O'Neal.

“ “ “ *Owen*—George W. Moore.

“ “ “ *Pike*—Alvan Thomas Whight.

“ “ “ *Crawford*—John Edwards.

“ “ “ *Daviess*—Richard A. Clements.

“ “ “ *Martin*—Cager Peak.

“ “ “ *Lawrence*—Ralph G. Norvell.

“ “ “ *Hancock*—Joseph Mathers.

“ “ “ *Hamilton*—Allen Sumner.

“ “ “ *Bartholomew*—Aquilla Jones.

“ “ *counties of Monroe and Brown*—Willis A. Gorman and John M. Sluss.

From the counties of Miami and Wabash—Gabriel Swyhart.

“ “ “ *Huntington, Wells and Blackford*—William Prilliman.

From the counties of Whitley and Kosciusko—Abraham Cuppy.

“ “ “ *Marshall, Fulton and Starke*—Amzi L. Wheeler.

From the counties of White, Pulaski, Jasper and Benton—Ira Brown.

“ “ “ *Noble and Lagrange*—William Mitchell.

“ “ “ *Steuben and DeKalb*—Enos Beall.

“ “ “ *Adams and Jay*—Nathan B. Hawkins.

“ “ “ *Porter and Lake*—Adam S. Campbell.

The House then proceeded to the election of a Speaker, Messrs. Bowers and Moore of Owen, acting as tellers. On counting the first ballot, it appeared that

Thomas J. Henley received	-	-	53 votes.
John H. Bradley	“	-	44 “
Scattering	.	-	2 “

Thomas J. Henley having received a majority of all the votes given, was declared duly elected Speaker of the House of Representatives, during the present session, and was conducted to the chair by Messrs. Hillis and McCormick, whence he made his acknowledgements to the House in the words following, viz:

Gentlemen, the organization of all Legislative bodies, requires a presiding officer. That station for the present House of Representatives, has by your kindness and partiality, been assigned to me. Duty requires, and gratitude prompts my undivided and assiduous attention to its various and arduous duties. The co-operation of the House, you, are well aware, Gentlemen, will be indispensable to enable the Speaker to discharge his duty in a manner, either creditable to himself, or satisfactory to its members. To preside over your deliberations according to the well established rules of Parliamentary law, doing equal and exact justice to all, without partiality or affection, will be my duty, and it shall be faithfully performed. Of your duties it would be improper for me to speak, because, they are no doubt well understood.

I bespeak your kind indulgence and support; and whilst I return to you, individually and collectively, my unfeigned thanks, for the honor thus conferred, I beg leave to assure you of my determination to give evidence of my sincerity, in the manner in which I shall endeavor to discharge the duties incumbent upon the chair.

On motion of Mr. Leslie,

The House proceeded to the election of a Principal Clerk, Messrs. Leslie and Shoup acting as tellers. On counting the first ballot it appeared that

Joseph F. Brown received	-	-	60 votes.
Cyrus Van Ness Lent "	-	-	38 "
Scattering	-	-	1 "

Joseph F. Brown having received a majority of all the votes given, was declared duly elected Principal Clerk of the House of Representatives, during the present session ; was sworn into office by the Hon. James W. Borden, and entered upon the discharge of his duties.

On motion of Mr. Moore of Owen,

The House proceeded to the election of an Assistant Clerk, Messrs. Moore of Owen and Hillis, acting as tellers. On counting the first ballot, it appeared that

Andrew J. Harlan received	-	-	-	33 votes.
John L. Robinson	"	-	-	41 "
John C. Huckleberry	"	-	-	19 "
Scattering	-	-	-	6 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

Andrew J. Harlan received	-	-	-	42 votes.
John L. Robinson	"	-	-	41 "
John C. Huckleberry	"	-	-	16 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a third balloting, when it appeared that

Andrew J. Harlan received	-	-	-	48 votes.
John L. Robinson	"	-	-	44 "
John C. Huckleberry	"	-	-	7 "

No person having received a majority, the House proceeded to a fourth ballot, when

Andrew J. Harlan received	-	-	-	50 votes.
John L. Robinson	"	-	-	48 "
Scattering	-	-	-	1 "

Andrew J. Harlan having received a majority of all the votes given, was declared duly elected Assistant Clerk of the House of Representatives, during the present session ; was sworn into office by the Hon. James W. Borden, and entered upon the discharge of his duties.

Mr. Hillis moved that the House proceed to the election of an Enrolling Clerk, Messrs. Hillis and Carter acting as tellers. On counting the first ballot, it appeared that

John W. Rush received	-	-	-	-	22 votes.
Joséph W. Chapman "	-	-	-	-	22 "
E. M. Benson "	-	-	-	-	26 "
William H. English "	-	-	-	-	20 "
John Blake "	-	-	-	-	5 "
Scattering	-	-	-	-	1

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to the second balloting, when

John W. Rush received	-	-	-	-	26 votes.
Joseph W. Chapman "	-	-	-	-	23 "
E. M. Benson "	-	-	-	-	25 "
William H. English "	-	-	-	-	21 "
John Blake "	-	-	-	-	4 "

When, on motion of Mr. Shoup, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

When the House proceeded to a third balloting for Enrolling Clerk, no person having received a majority on any former balloting, when it appeared that

John W. Rush received	-	-	-	-	30 votes.
Joseph W. Chapman "	-	-	-	-	24 "
E. M. Benson "	-	-	-	-	19 "
William H. English "	-	-	-	-	24 "
John Blake "	-	-	-	-	2 "

Neither of the candidates having received a majority of all the votes given, the House proceeded to a fourth balloting, when

John W. Rush received	-	-	-	-	35 votes.
Joseph W. Chapman "	-	-	-	-	37 "
William H. English "	-	-	-	-	26 "

No person having received a majority, the House proceeded to a fifth balloting, when it appeared that

John W. Rush received	-	-	-	-	39 votes.
Joseph W. Chapman "	-	-	-	-	41 "
William H. English "	-	-	-	-	19 "

Neither of the gentlemen having received a majority of all the votes given, the House proceeded to a sixth balloting, when

John W. Rush received	-	-	-	-	45 votes.
Joseph W. Chapman "	-	-	-	-	44 "
William H. English "	-	-	-	-	10 "

No person having received a majority, the House proceeded to a seventh balloting, when it appeared that

John W. Rush	received	50 votes.
Joseph W. Chapman	"	48 "
Scattering	-	1 "

John W. Rush, having received a majority of all the votes given, was declared duly elected Enrolling Clerk of the House of Representatives during the present session: was sworn into office by the Hon. James W. Borden, and entered upon the discharge of his duties.

The following message was received from the Senate, by Mr. Maguire, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, selected Thomas D. Walpole, President *pro tem.*, Douglass Maguire, Principal Secretary, John H. Farquhar, Assistant Secretary, John D. Stewart, Enrolling Secretary, and John Cooke, Door-keeper, and that they are now ready to proceed to Legislative business.

On motion of Mr. Brown, of Marion,

The House proceeded to the election of a Door-keeper;

Messrs. Brown of Marion and Foulke acting as tellers.

On counting the first ballot, it appeared that

John C. Hogin	received	-	-	30 votes
Jeremiah Bennett	"	-	-	15 "
William M. Patterson	"	-	-	15 "
John Bishop	"	-	-	13 "
Benjamin Osborn	"	-	-	10 "
Samuel P. Seals	"	-	-	8 "
Joseph Mussick,	"	-	-	4 "
Col. James Haynes	"	-	-	2 "
Scattering	"	-	-	3 "

No person having received a majority of all the votes given, the House proceeded to a second balloting; when it appeared that

John C. Hogin	received	-	-	40 votes
Jeremiah Bennett	"	-	-	15 "
William M. Patterson	"	-	-	17 "
John Bishop	"	-	-	12 "
Benj. Osborn	"	-	-	4 "
Samuel P. Seals	"	-	-	9 "
Joseph Mussick	"	-	-	2 "

No person having received a majority of all the votes given, the House proceeded to a third balloting; when it appeared that

John C. Hogin	received	-	-	46 votes
Wm. M. Patterson	"	-	-	15 "
Jeremiah Bennett	"	-	-	17 "
John Bishop	"	-	-	10 "
S. P. Seals	"	-	-	10 "
Joseph Messick	"	-	-	1 "

Mr. Bradley moved that the House adjourn until to-morrow morning at 9 o'clock; which motion was lost.

When the House proceeded to a fourth balloting for door-keeper; when it appeared that

John C. Hogin	received	-	-	59 votes
Jeremiah Bennett	"	-	-	18 "
Wm. M. Patterson	"	-	-	9 "
S. P. Seals	"	-	-	7 "
John Bishop	"	-	-	6 "

John C. Hogin, having received a majority of all the votes given, was declared duly elected and sworn into office, and entered upon the discharge of his duties.

On motion of Mr. Leslie,

Resolved, That the clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected Thomas J. Henley, Speaker, Joseph F. Brown, Principal Clerk, Andrew J. Harlan, Assistant Clerk, John W. Rush, Enrolling Clerk, and John C. Hogin, Door-keeper, and are now ready to proceed to Legislative business.

On motion of Mr. Thompson,

Resolved, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Berry, and request him to attend in the House of Representatives on to-morrow morning at half past nine o'clock, and open the present session of the General Assembly with solemn prayer; and that the clerk inform the Senate of the adoption of this resolution and request their concurrence.

Messrs. Thompson, Davis of Sullivan, were appointed said committee on the part of the House.

On motion of Mr. Brown of Dearborn,

Resolved, That a committee of two on this part of the House, be appointed to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, and inform him that both Houses are fully organized, and are now ready to receive any communications that he may deem proper to make, and report to this House at what time such communications will be made, and that the Senate be informed of the adoption of this resolution, and the appointment of a similar committee on the part of that body is respectfully requested.

Messrs. Brown of Dearborn, and Leslie were appointed such committee on the part of the House.

On motion of Mr. McCormack,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DEC. 6, 1842.

The House met pursuant to adjournment.

The Speaker announced the following standing committees:

ON ELECTIONS.

Messrs. Robinson, Edwards, Rose, Jackson, Foulke, Major and Strain.

ON WAYS AND MEANS.

Messrs. Davis of Sullivan, Wilson, Goodenow, Whight, Dufour, Williams and Cuppy.

ON THE JUDICIARY.

Messrs. Brown of Marion, Matheny, Tingley, Davis of Madison, Rich, Robinson and Gorman.

ON EDUCATION.

Messrs. Bradley, Norvell, Marvin, Lingle, Thompson, Swyhart and Hardin.

ON THE STATE BANK.

Messrs. Brown of Dearborn, Simonson, Chrisman, Claypool, Patrick, Jones and Moore of Floyd.

ON MILITARY AFFAIRS.

Messrs. Myers, Steele, Nees, Lewis, Fuller, Sumner and Real.

ON STATE PRISON.

Messrs. Simonson, Huckaby, Baker, Meeker, Edmonson, Millikin and Parker.

ON TOWN OF INDIANAPOLIS.

Messrs. Hillis, Cooley, Johnson, Dunn, Milliken, Summers and Mathers.

ON CLAIMS.

Messrs. Lowe, Hawkins, Brown of White, Coffin, Montague, Stewart and Mitchell.

ON ROADS.

Messrs. Leslie, Butler of Randolph, Peak, Prilliman, Butterfield, Sluss and Osborn.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Gorman, Carter, O'Neal, Clements, McCormick, Hodges, and Hiatt.

ON AGRICULTURE.

Messrs. Logan, Osborn, Leyman, Flannegan, Bales, Denny and Campbell.

ON CORPORATIONS.

Messrs. Hargrove, Williams, Tevis, Brown of Rush, Bowers and Beall.

ON ENROLLED BILLS.

Messrs. English, Proctor and Tingley.

ON ENGROSSED BILLS.

Messrs. Butler of Vanderburg and Hawkins.

ON FEDERAL RELATIONS.

Messrs. Strattan, Dunbar, Snook, Shelby, Lee, Gilbert and Whight.

ON PUBLIC EXPENDITURES.

Messrs. Moore of Owen, Brown of Rush, Butler of Randolph, Francis, Lingle, Snook and Norvell.

JOINT COMMITTEES.

ON PUBLIC BUILDINGS.

Messrs. Nelson, Thompson and Chrisman.

ON CANAL FUND.

Messrs. Shoup, Wilson and O'Neal:

ON STATE LIBRARY.

Messrs. Wheeler, Nees and Hardin.

The following will the order of business until otherwise directed by the House.

- I. Reading of the Journals.
- II. Petitions, memorials and remonstrances.
- III. Reports from joint standing committees.
 - 1st. Of Elections.
 - 2d. Ways and Means.
 - 3d. Judiciary.
 - 4th. Education.
 - 5th. Military Affairs.
 - 6th. On the affairs of the State Prison.
 - 7th. On the affairs of the town of Indianapolis.
 - 8th. On Claims.
 - 9th. On Roads.
 - 10th. On Canals and Internal Improvements.
 - 11th. On Agriculture.
 - 12th. On Corporations.
 - 13th. On the State Bank.
 - 14th. On Federal Relations.
- IV. Reports from joint standing committees.
 - 1st. On Public Buildings.
 - 2d. On Canal Fund.
- V. Reports from Select Committees.
- VI. Resolutions of the House.
- VII. Joint Resolutions.
- VIII. Bills.
- IX. Orders of the Day.

On motion of Mr. Davis of S.,

Resolved, That a select committee be appointed to consist of nine members, one from each alternate judicial circuit and three from the State at large, whose duty it shall be to report a bill dividing the State into Congressional districts, according to the ratio fixed by the late act of Congress upon that subject.

Mr. Bradley moved to amend said resolution by striking out the number "nine" and insert "twelve;" also the word "alternate" and strike out "three" and insert "one."

Which was agreed to and the resolution adopted.

A message from the Senate, by Mr. Maguire their secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution.:

Resolved, That the joint rules, which were in force for the government of the General Assembly during the last session, be adopted by the Senate as the rules of the joint action for the present session; and that the House of Representatives be informed of the adoption of said joint rules and their concurrence requested therein.

The House reciprocated the above resolution.

The following message was received from the Senate by Mr. Maguire their secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate reciprocates the resolution of the House of Representatives appointing a committee to wait on the Rev. Mr. Berry and request him to attend in the Hall of the House of Representatives this day at half past nine o'clock, and open the present session with solemn prayer; and that Messrs. Stanford and Carr of Lawrence, are appointed a committee on the part of the Senate.

The following message was also received from the Senate, by Mr. Maguire, their secretary:

MR. SPEAKER:

The Senate reciprocates the resolution of the House of Representatives, for the appointment of a joint committee to wait on His Excellency the Governor, and inform him that both Houses are organized and ready to receive any communication he may deem proper to make, and to know at what time he will make such communication.

Messrs. Kelso and Hetfield are appointed a committee on the part of the Senate.

Mr. Thompson, from the committee to wait upon the Rev. Mr. Berry, made the following report:

MR. SPEAKER:

The committee appointed to wait on the Rev. Mr. Berry, have performed that duty, and now report that in compliance with the request of this House, he will attend in the Hall of the House of Representatives this morning at half past nine o'clock, for the purpose of opening the session with prayer.

On motion of Mr. Thompson,

Resolved, That the Senate be requested to attend in the Hall of

the House *instantly* to hear the prayer of the Rev. Mr. Berry, on the opening of the present session; and that seats be provided for them on the right of the Speaker's chair.

Mr. Moore of O., moved to strike out "right" and insert "left ;" which was lost.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair, when the Rev. Mr. Berry in a very able and appropriate manner addressed a prayer to the Throne of Grace.

The Senate then returned to their chamber.

On motion of Mr. Logan,

Resolved, That the principal clerk of this House be directed to furnish the members thereof, at as early a day as possible, with one hundred and fifty printed copies of the rules and joint rules of the House of Representatives.

The Speaker laid before the House the reports of certain branches of the State Bank; which, on motion of Mr. Brown of M., were referred to the committee on the State Bank.

On motion of Mr. Moore of O.,

Resolved, That the Editors of the State Sentinel and Indiana Journal or their assistants, be permitted to occupy seats within the bar of this House to report its proceedings during its present session for their respective papers.

Mr. Brown of D., from the joint committee on that subject, made the following report:

MR. SPEAKER:

The joint committee appointed in accordance with a resolution of this House, and reciprocated by the Senate, authorizing them to wait on His Excellency the Governor, and inform him that both Houses of the General Assembly were fully organized and ready to receive any communication he might deem proper to make, have discharged that duty and were informed by him, that he would this day, at 2 o'clock meet the members of both Houses of the General Assembly in the Hall of the House of Representatives, for the purpose of communicating to them his Annual Message.

Mr. Thompson, on leave, introduced

Bill No. 1, for the relief of the people of Allen county;

Which was read a first, second, and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Davis of S. presented the memorial of Madison Marsh, contesting the seat in this House of Enos Beall, from the counties of Steuben and DeKalb. The Speaker laid before the House the sealed testimony taken before the board of commissioners of DeKalb county in relation to the said contest.

On motion of Mr. Davis of S.,

The whole matter was referred to the committee on elections.

Mr. Bradley presented the affidavit of Enos Beall, concerning the testimony aforesaid; which was also referred to the committee on elections.

On motion of Mr. Butler of V.,

Resolved, That the committee on elections have power to send for persons and papers in relation to the contested seat now occupied by the Hon. Enos Beall.

Mr. Robinson moved that the House do now proceed to the election of a Sergeant-at-Arms.

Mr. Gorman moved to lay the motion on the table; and the ayes and noes being demanded thereon by Messrs. Gorman and Moore of O.

Those who voted in the affirmative were,

Messrs. Baker, Brown of M., Butterfield, Campbell, Claypool, Cuppy, Denney, Dufour, Dunn, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Leslie, Lingle, Logan, Marvin, Matheny, Meeker, Moore of Owen, Osborn, Parker, Peake, Prilliman, Real, Rich, Roberts, Shoupe, Simonson, Summers, Sumner, Wheeler, Whight, and Willson.—41.

Those who voted in the negative were,

Messrs. Bales, Beall, Bowers, Bradley, Brown of D., Brown of Rush, Brown of White, &c., Butler of Vanderburgh, Butler of R., Carter, Chrisman, Clements, Coffin, Cooley, Davis of M., Davis of S., Edwards, English, Flanagan, Francis, Hawkins, Hiatt, Hillis, Huckaby, Lewis, Leyman, Lowe, Major, Mathers, McCormick, Millikin, Mitchell, Montague, Moore of F., Myers, Nees, Nelson, Norvell, O'Neal, Patrick, Proctor, Robinson, Rose, Shelby, Sluss, Snook, Steele, Stewart, Strain, Stratton, Swyhart, Tevis, Thompson, Tingley, Williams, and Mr. Speaker.—56.

So said motion was lost.

The House then proceeded to the election of a Sergeant-at-Arms, Messrs. Proctor and Robinson acting as tellers. Upon counting the first ballot, it appeared that

J. B. Myers	received	-	-	-	20 votes.
Lemuel Ford	"	-	-	-	12 "
Cyrus A. Baylor	"	-	-	-	12 "
H. P. N. Benedict	"	-	-	-	11 "
David Stipp	"	-	-	-	24 "
W. P. Rush	"	-	-	-	10 "
B. Ream	"	-	-	-	3 "
G. L. Morrison	"	-	-	-	3 "
Scattering		-	-	-	3 "

No person having received a majority of all the votes given, the House proceeded to a second balloting, when

J. B. Myers	received	-	-	-	31 votes.
Lemuel Ford	"	-	-	-	9 "
Cyrus A. Baylor	"	-	-	-	9 "
H. P. N. Benedict	"	-	-	-	9 "
David Stipp	"	-	-	-	28 "
W. P. Rush	"	-	-	-	6 "
B. Ream	"	-	-	-	1 "
George L. Morrison	"	-	-	-	2 "
Scattering		-	-	-	2 "

No person having received a majority, the House proceeded to a third balloting, when

J. B. Myers	received	-	-	-	35 votes.
Lemuel Ford	"	-	-	-	15 "
H. P. N. Benedict	"	-	-	-	6 "
David Stipp	"	-	-	-	37 "
George L. Morrison	"	-	-	-	2 "
Scattering		-	-	-	2 "

Neither of the gentlemen having received a majority, the House proceeded to a fourth balloting, when it appeared that

J. B. Myers	received	-	-	-	41 votes.
Lemuel Ford	"	-	-	-	11 "
David Stipp	"	-	-	-	45 "

No person having received a majority of all the votes given, the House proceeded to a fifth balloting, when

J. B. Myers	received	-	-	-	40 votes.
David Stipp	"	-	-	-	55 "
Scattering		-	-	-	2

David Stipp having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms, during the present session of the General Assembly, was sworn into office by the Hon. James W. Borden, and entered upon the discharge of his duties.

On motion of Mr. Edwards,

The House adjourned until 2 o'clock.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Brown of Rush offered for adoption the following resolution :

Resolved, That the Senate be invited to attend *instantly* in the Hall of the House of Representatives, to receive the message of his Excellency the Governor ; and that seats be provided for them on the left of the Speaker's chair.

Mr. Leslie moved to strike out the word "left" and insert "right," which was carried, the resolution was adopted.

The Senate then came into the Hall, and took their seats on the right of the Speaker's chair; the President *pro tem* of the Senate, on the right of the Speaker.

His Excellency the Governor, then came in, attended by the joint committee, appointed for that purpose, and in person, delivered the following message, in the presence of both Houses :

Gentlemen of the Senate

and House of Representatives:

Assembled again in obedience to the requirements of our political institutions, the mind naturally reverts to the past, and the heart to the Great Author of our lives for the bounties of his goodness. A beneficent Providence has smiled upon us since the last annual meeting of the Legislature, and we yet enjoy all the elements of our national greatness and prosperity. We have been once more permitted to convene as the Representatives of a free people; to convene in peace; to convene after a season of agricultural plenty and general health. The recent treaty with Great Britain has banished all apprehension of war from our borders, and has secured to us a bloodless and satisfactory adjustment of an unpleasant controversy with a great and powerful nation. And although there is much in the depressed condition of our monetary affairs, and in the uncertain and unfixed character of the national legislation, which may well awaken regret and disappointment; yet we have much, as a people, when contrasted with others, to bow our hearts with unfeigned thankfulness to the Giver of all Good, and to inspire us with new ardor to persevere in the work of transmitting what we thus enjoy to those who shall come after us. It is to be sincerely hoped, that in this spirit of gratitude and patriotic determination, the Representatives of Indiana have at this time assembled in the discharge of their high and honorable duties. It is to be hoped that, in the exercise of the important and exciting trusts which now devolve upon them, a bright example will be held forth to the world, of integrity, fairness, and moderation; of respect for the laws, and of firmness in their execution; that the spirit of lawlessness and faction which has been elsewhere unbridled, will be promptly rebuked, and that the utmost harmony will characterize the agitating duties of the present session.

Directing our attention to the sphere of our immediate duties, we find but few subjects to engage the labors of the Legislature; yet these few are of pressing concernment to our citizens. Among the most important of these is the condition of our currency. In the year 1839, the Legislature, for the purpose of paying contractors on the public works, authorized an issue of treasury notes to the amount of \$1,500,000. These notes formed a very considerable part of our circulation, and passed at par until about seven months since, when they suddenly depreciated in value between forty and fifty per cent. At that time there were over \$1,000,000 of these notes in circulation; and

the immediate effect was not only to leave in the hands of the community a circulating medium that answered but few of the purposes of money, but was also equal to a clear loss to the people, by this sudden depreciation, of nearly half a million of dollars. But this was not all. Shortly afterwards the State Bank resumed specie payments, and thus a strong line of demarcation was drawn between its notes and those issued by the State. This however is not all the injury that has been suffered. Nothing operates more injuriously upon the business of any people, than to have two kinds of circulating medium sustaining different values. The worse currency is forced upon the people by every pretext which cupidity can suggest, while the better circulation is to a great extent withdrawn from its legitimate employment, and applied, in the hands of the broker, to dealing in the depreciated currency.

The effect of these treasury notes on the State Treasury will demand your consideration. Nearly the entire State revenue for the past year, from present indications, will be paid in this currency. This leaves the treasury nearly destitute of means to pay the members of the Legislature, the various public officers, and the current expenses of the Government. The share Indiana is entitled to receive from the distribution of the proceeds of the public lands is \$26,877 66. The General Government has withheld, of this sum, \$13,975—to pay back interest due on the bonds of the State purchased by the General Government, and invested in the Chickasaw and Choctaw annuities, leaving a balance to the credit of the State of \$12,902 66. This may be set down as constituting the amount of actual money to meet the expenses of the State for the present year. The deficiency is to be supplied in such manner as the Legislature may direct. The devising of ways and means to defray the expenses of the Government is the peculiar province of the immediate representatives of the people, with which I may not interfere; but I cannot press too strongly on your consideration, the necessity of using every exertion for the earliest practicable redemption of the treasury notes to save the people from further loss, and relieve the revenue of the State from embarrassment. I would also call your attention to the impolicy of re-issuing treasury notes that have been once received at the treasury, if it can possibly be avoided. As the amount in circulation is diminished, their value will be proportionably increased, but this advantage will be entirely lost by throwing them again afloat. The faith of the State is pledged for their redemption, and, for the sake of our credit and for the interests of the community, it must be done speedily. In addition to the payment of the revenue, and other means heretofore provided for the redemption of the treasury notes, and which ought to be made available as far as practicable, every other means which the State, consistently with her just obligations, can apply to this object, should be brought into requisition. Very many of our citizens are indebted to the State in various ways, and on account of various funds, and after looking over the whole grounds, and viewing the embarrassments to which we must be subjected until the treasury notes are all redeemed

by the State, I can see no better plan than to make them receivable for all State dues as far as it can be done. If the State will not receive money of her own creation for her own dues, she cannot and ought not to ask the people to give it that credit as a circulating medium which she refuses to accord to it.

As regards the condition of our foreign debt, there has been no material change since the last meeting of the Legislature. No part of the interest has been paid. The suspended debt has been made the subject of very considerable investigation by the State agent, and the result is to strengthen the probability that nearly the whole of the amount will prove a total loss. Of the collateral securities, it is not probable that more can be realized from them than half a million; and even to save this amount will require much care and attention.

The failure of this and several other States to meet the interest on their public debts, has been the subject of much comment at home and abroad. This was to be expected; but I must be permitted, in the name of the whole people of Indiana, to protest against that indiscriminate censure and reproach which place those who have become unable, by unavoidable circumstances, to discharge their just liabilities, on the same level with the wilful repudiator. It is true, that the heartless usurer is incapable of distinguishing between a blameless inability to pay, and that fraud which avoids an honest debt. With the latter we have no connection; but we are compelled to rank ourselves with those who cannot promptly pay their just liabilities. We are borne down by accumulated burdens and difficulties. The sources of employment and means, arising from the disbursement of large sums of money which now constitute those debts which have produced so much embarrassment—the general prostration of our agriculture, manufactures and commerce—the infliction of a depreciated currency fastened upon us, until it can be redeemed by the slow process of the revenue—low prices and uncertain markets in every department of hitherto profitable business—all these continue to press us down with a force that is irresistible. To exact impossibilities, and then to affix the brand of infamy under such circumstances, is, to say the least, unwise. The exercise of no man's honesty is quickened by reproaches which he feels to be unmerited. We are told, however, that our folly and improvidence have brought these evils upon us, and therefore we are entitled to neither favor nor mercy. That most fatal errors have been committed by the State of Indiana, is not to be controverted. Seduced by the wild spirit of improvement and speculation, which pervaded the whole country, enterprises were undertaken which cannot now be justified. But some of those who censure in such unmeasured terms are not guiltless, if there be any guilt. If doubt was expressed, our agents were told that we were a great and growing State, that our resources were inexhaustible, and that nothing adverse could impede the march of our prosperity. The facility of obtaining credit had something to do with the extent of the reckless operations which have resulted so disastrously. It cannot be pretended that any false pretences were resorted to by us, to entrap the

unwary and incautious. All parties, relying on their own sagacity, had equal opportunities of estimating the probable consequences of the profit and loss of every operation. As to the past, neither party may complain of the other. It is the future which must determine whether we are a faith-keeping people. As for myself, I have a deep and abiding confidence in the integrity and enterprise of the people of Indiana, in the extent to which her resources may be developed, and in the realization of those means which can and will be applied to discharge those obligations, the avoidance of which will bring upon us merited and lasting infamy.

It is not to be denied, that men have sometimes been found in our country, who, if they do not advocate repudiation, at least give countenance to views which must result in repudiation. Whether we contend that one legislature cannot make a contract binding on another, or take the ground, that subsequent legislatures have the unqualified power of annulling not only the acts, but the authorized contracts of a preceding legislature—in either event, we are advocating a doctrine upon which repudiation must base its strongest claims to be esteemed a correct principle of our institutions. A few remarks in reference to this question, I trust, will not be deemed amiss at this time.

The Constitution of the United States has prohibited the several States from passing laws impairing the obligation of contracts. As to the applicability of this provision in respect to contracts between individuals, there is no diversity of opinion. But the question—as to whether it applies when a State is a party, has occasionally been mooted. It has sometimes been contended that a State, in its sovereign capacity, is not bound by the rules and obligations governing private contracts; or, rather, that any law making a grant or authorizing a contract is a mere act of legislative power, repealable at the will of any future legislature. But certainly, if the contract exists, it can make no difference whether it is made by a law of the legislature or in any other mode. The obligation to fulfil its requirements is mutually binding on the State and on the individual, and is protected by the Constitution of the United States from any interference, on the part of the legislature, impairing its binding force. There is nothing in the sovereignty belonging to a government from which the principle can be derived to defeat any rights which may have vested under a contract made in pursuance of a law of that government. A government which might disregard its authorized obligations would exist in violation of every principle of justice and morality, and contravene all those notions of right and wrong which, as we have been taught, constitute the very foundation of our free institutions, and from which arise those wise and wholesome restraints, by which all our rights are equally secured. Where the government is purely despotic, it is true that the will of the sovereign is not controlled by any rule of action, but such as may be dictated by the selfishness or caprice of his own unconstrained will. The purposes of his government are constantly fluctuating. There is no security of person, of property, or of rights, as between individual and individual, or between individuals and the government. In a des-

potism the law is the will of the sovereign, and the perfection of this form of government consists in the power of the sovereign to alter, change, modify and subvert every rule of action at his pleasure. To establish the principle that the legislature cannot enter into a contract which will be obligatory, and which can be impaired by subsequent legislation, is asserting the self same principle which inheres in every form of government purely despotic. Our constitutional forms of government, having their origin in the sovereign will of the people, were established for the very purpose of avoiding these evils. The immutable laws of justice impose equal obligations on States and individuals, and any infraction of these principles is alike subversive of sound morality and good government.

But while we deprecate actual repudiation, let us beware of that silent repudiation, which, avoiding the direct act, produces the same result. Our embarrassments at home, growing out of our treasury notes, must necessarily prevent us, until they are redeemed, from doing what duty requires at our hands. But we should never lose sight of our liabilities, nor seek to avoid, either directly or indirectly, the demands of justice.

No official account has been received of the progress which has been made in the prosecution of the Wabash and Erie Canal, West of Lafayette. It is understood, however, that an important part of the work has been put under contract. Some apprehension was felt lest the Scrip issued pursuant to the law authorizing the continuation of the canal would not answer the desired end ; but it is believed that the public spirit of the citizens of that portion of the Wabash valley interested in the work has prevented any serious difficulty or embarrassment.

It will be remembered that, at the last session of the Legislature, two acts were passed, one incorporating the White Water Valley Canal Company, and the other providing for letting the public works to companies. Under the former act, a company has been organized, and has taken possession of the White Water Canal. Under the latter act, one company has been organized for the continuation of the Madison and Indianapolis Railroad. These companies do not report to the Executive, and no certain information is in my possession as to their operations; but it is understood that the works are prosecuted with energy and spirit, and strong hopes are entertained of a successful termination.

There is a subject which the Constitution has most wisely and appropriately confided to legislative control and supervision, and to which I cannot too earnestly invite your attention. I allude to the establishment and support of a system of common schools. Perhaps no theme in all the wide range of discussion has been more elaborately discussed than this, and perhaps there is no question of policy about the leading features of which there exists such general unanimity ; and yet, strange to say, no good work has been more sadly neglected. The proper education of our youth appeals to every energy which patriotism, philanthropy, morals and religion, can put forth in its behalf. As the foundation on which all of our present and future political security

rests ; as a question of individual happiness ; as the shield of our national purity and morality, it is beyond and above all others in magnitude and importance. Properly and thoroughly dispensed, there can be no doubt but the administration of our republican form of government would abound in all the advantages, with but few of the evils, of such a system, while its existence would be perpetual. The occasional outbreak of lawless faction ; the ephemeral rise, and dangerous influence of the demagogue ; the instability of leading measures of sound policy ; the barter and traffic of selfish legislation—each of these evils which, it must be conceded, have exercised, to some extent, a degrading and corrupting influence on our happy form of government, would, in the event of a thorough system of education, give way to an almost universal obedience to the commands of the law, the elevation of public purity and patriotism, and a stable and honorable legislation. The sum of human happiness would thus be as incalculably increased, as the mind is capable of incalculable improvement. I mean that system of education, and it is the only kind to be tolerated, which is inseparably blended with the inculcation of correct moral principles.

In presenting these considerations to the Legislature, I have not expected to present new views, or to suggest thoughts more inspiring than naturally present themselves, in view of so momentous a subject ; nor have I taken it for granted that nothing has been done in this work by the legislation of Indiana. Yet it is due to the truth and to the subject to say, that while we have had much declamation to the people, and much organized effort in this respect ; while a great deal has been spoken and written, and legislated in reference to common schools, very little that is practical has been accomplished. Our school laws are a mass of complicated statutory provisions, presenting difficulties even to the disciplined legal mind, which are almost insuperable to the ordinary citizen. The machinery of the system is entangled and interwoven with burdensome provisos and qualifications ; and the sooner these are remedied by plain legal provisions and the substitution of a simpler organization of district schools, the more speedily will we advance in this cause.

On this subject previous Legislatures have been groping their way in the dark. Indeed other matters, supposed to be of more immediate interest, have swallowed up every thing else which did not at least apparently connect itself with the momentous questions which were exciting the hopes, and exercising the energies of men looking only to the accomplishment of their stupendous projects. While millions were lavished, aye, wasted, on measures which have literally crushed us, the less exciting subject of common schools has been almost forgotten. But let it be remembered that we may construct canals and railroads, and foster commerce, and cherish our agricultural interests, and secure advantageous markets, and may obtain all that these various objects are capable of accomplishing, and yet, by neglecting that moral and intellectual culture which is the result of an efficient system of education, the very foundations of our social and political institutions may be rotting and mouldering beneath us.

The Auditor of State has bestowed some attention on the condition of the school funds during the past year; not that there is any law imposing such a duty, but merely with a view to enable the Executive to point the Legislature to the necessity of giving the subject a most thorough consideration. A circular was addressed to the various County Auditors. Answers have been received from fifty-eight counties, and are, in many instances, necessarily defective. The returns from a portion of the counties show their school funds to be well managed. In others they may be safe, but the accounts are in so much confusion, that no correct opinion can be formed. In some cases the whole fund has been totally, irretrievably lost.

The result of the investigations prosecuted by the Auditor of State will be laid before you, and will exhibit much valuable matter. Where no answer has been received from a county, such other sources of information have been resorted to as seemed the best adapted to the purpose of obtaining the data requisite for the presentation of a general statement of the various matters connected with this most important subject. The following particulars, gleaned from the Auditor's report, are not only interesting, but will enable the Legislature to judge of the value of our school fund, and the necessity of further investigations.

The amount of surplus revenue distributed to the different counties is,	-	-	-	-	-	\$723,346
Funds derived from sale of school lands	-	-	-	-	-	1,105,899
Value of unsold lands	-	-	-	-	-	425,352
Total value of school fund of this State,	-	-	-	-	-	<u>\$2,254,597</u>
Interest on the above sum, for the last year,	-	-	-	-	-	\$146,298
Interest distributed	-	-	-	-	-	94,436
Unaccounted for	-	-	-	-	-	<u>\$51,862</u>

It appears, from the report of the Auditor, that the number of children having a right to be admitted to our schools is estimated to be 237,143. It is also stated, that the whole number who were in school during the past year was 111,465, leaving 125,678 children who were not sent to school during any part of the year.

The number of school districts in the State is set down at 3,760, and the school houses at 3,151.

One matter contained in the report of the Auditor requires particular attention. During seven years, from 1832 to 1838 inclusive, the value of the lands returned by the collectors of the counties for the non-payment of taxes, and appropriated by law to the benefit of schools, is \$68,046. The sum returned by the school commissioners of twenty-five counties, as having been collected on account of these lands, including penalties and interest, is \$13,000. So far as shown, nothing seems to have been derived from this source in the remaining counties, leaving uncollected \$54,446.

There must have been more than this amount realized, taking into consideration the heavy penalty and interest imposed in such cases. The only evidence of payments by delinquents is the receipts given to them by the school commissioners. This constitutes the only check; but it would be wrong to cast censure, merely because these accounts are confused and unsatisfactory. This is not intended. The above instance is merely referred to, for the purpose of directing the attention of the Legislature to the defects of the entire system, and to show the necessity of imposing proper checks, and requiring the frequent exhibition of all accounts relating to these funds, at stated intervals.

With reference to a specific recommendation on this subject, I can only say to the Legislature that, involved as is the condition of our school funds, and indeed the whole subject, no better suggestion occurs to my mind, or more likely to be followed by valuable results, than to invite your earnest attention to the task of ascertaining the amount and condition of these funds, and, if need be, to provide, through some public functionary, for the investigation of these all important facts, and presenting the result to some future Legislature. It is requisite that the whole ground should be carefully examined, and the extent of our resources fully known, for the purpose of determining what additional means are necessary to impart life and efficiency to our common school system, and give form and substance to what has been, under the best directed efforts, but chaos and confusion. It, however, will accomplish but little to direct enquiries with a view to ascertain the present amount and condition of our school funds. The unofficial investigations already made, show enough to establish the necessity of searching for funds which have been misapplied, or apparently lost, and of tracing their history, from the time they first came into the hands of the agents entrusted with their management. In a neighboring State, whose school funds had been placed in the hands of officers not subject to a strict accountability, a thorough investigation was proposed and executed; and the consequence was, the recovery of very considerable sums, which had been overlooked, or forgotten, or supposed to be entirely lost. May we not anticipate as favorable results by pursuing a similar course in our own State? It certainly is worth while to try the experiment.

I have thus presented my views on this all important subject to your consideration. I am not disposed to be tenacious as to the propriety of any particular course. Others have their peculiar views, and I will at once yield to any measures which promise to be useful and efficient. So many notions are entertained as to the best mode of organizing common schools, and so much sensitiveness is evinced respecting those notions, that it is most difficult to secure harmony of sentiment and action. In this matter, something, and, often, much must be given up to the views and opinions of each other. No system of education can be digested without compromise; and he can hardly be esteemed a real friend of common schools, who would make shipwreck of all their advantages to carry a favorite position.

It affords me great pleasure to communicate to the Legislature, that

the affairs of the Indiana University present a more prosperous appearance than they have exhibited for several years. The recent efforts to give efficiency to its organization, promise to be eminently successful, and to secure to the State the full benefits of its ample endowments. In the supervision of this institution, the Legislature has a most important trust. To make it extensively useful; to preserve its funds, and render them productive, and to extend its reputation, constitute the prominent duties of this trust, which, if faithfully executed, must add to the character and dignity of the State.

The Colleges at Crawfordsville, Greencastle and South Hanover have been sustained, during the past year, with a zeal and spirit worthy the individual efforts which established those institutions. The pressure of the times, which has borne so heavily on every thing else, has touched them less severely than was anticipated. Their friends and patrons had much cause to fear the result; but, certainly, the crisis may be regarded as past. It is understood that the present sessions have commenced under the most favorable auspices, and the permanence and usefulness of these Colleges may be regarded as placed on a firm and enduring basis.

At the last session of the Legislature, an act was passed requiring the Governor to make arrangements for the erection of a new Penitentiary. The same act required the superintendents of the present prison to confine the convicts at labor within its walls, contrary to the previous custom, unless an arrangement should be made by which they could be employed in the building of the new prison. The confined limits of the old prison were such, that but few more than half the whole number could be employed at labor within it, showing, most conclusively, the necessity of the law authorizing another prison to be built. A suitable site has been procured, a plan for the buildings adopted, and a portion of the convicts have been employed in their erection for several months. The plans, specifications and other matters connected therewith, being too voluminous to be comprised in this communication, will be laid before the Legislature in another form in a few days.

The report of the Visiter has been unavoidably delayed, and I am therefore unable to lay before you, at present, the usual statement in respect to the condition of the Penitentiary.

The State Bank of Indiana resumed specie payments on the 15th of June of the present year, pursuant to a resolution of the last Legislature. It is a fact deserving attention, that the principal demand for specie, subsequent to the resumption was from abroad; thus exhibiting, in the clearest manner, the general confidence of our own citizens in the solvency of the Bank. The times were unpropitious in many respects, but the Bank has been well sustained thus far, and there is no room to doubt or fear for the future, under ordinary circumstances. Of previous suspensions of specie payments, it is unnecessary to speak, but I cannot let this opportunity pass without expressing my decided conviction, that, come what may, the Bank should pay out the last dollar of its specie, rather than suspend again. To be vacil-

lating, year after year, between suspensions and partial resumptions, is subversive of all those principles on which sound banking rests.

The following table exhibits the general condition of the affairs of the Bank, as shown on the 31st of October, A. D. 1842.

MEANS.

Discounted notes and Bills of Exchange,	\$2,897,917 11
Balances due from, and notes of other Banks,	244,777 75
Specie,	799,047 96
Other resources,	1,316,820 22
	<hr/>
	<u>\$5,258,563 04</u>

LIABILITIES.

Notes in circulation,	\$1,732,518 00	
Individual Deposites,	181,248 98	
Balances due other Banks,	69,718 52	
Other liabilities, except those for the stock and its profits,	69,878 63	
	<hr/>	2,053,364 18
Balance, being amount of State and Indi- vidual stock, and profits thereon,		3,205,198 86
		<hr/>
		<u>\$5,258,563 04</u>

This exhibit shows a change in her condition from that reported to me, and set forth in my last annual message, as to her circulation and specie, as follows:

Circulation on October 30, 1841,	\$2,940,414	
Circulation on October 31, 1842,	1,732,518	
	<hr/>	
Reduction of circulation last twelve months,		\$1,207,896 00
Specie on October 30, 1841,	\$1,127,518 60	
Specie on October 31, 1842,	799,047 96	
Reduction of specie, last twelve months,		328,470 64
		<hr/>

It will be seen that her means are, \$5,258,563 04
And her liabilities, to all others, except the
State and Individual Stockholders, 2,053,364 18

Showing an excess of means, over all her liabilities, to others than Stockholders, of	<hr/>	<u>\$3,205,198 86</u>
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The reports of the Treasurer and Auditor of State are herewith laid before you. They exhibit in the usual manner, the statements of those officers respecting the receipts, expenditures, and condition of

the revenue. The principal matter connected with these subjects has been presented in my remarks and suggestions relative to the Treasury notes. It may not, however, be improper to remark, that, for several months past, almost the only means under the control of the Treasurer with which to pay the salaries of the public officers, and discharge the other expenses of the Government, have been treasury notes, occasioning a heavy loss to those to whom they have been paid, on account of their depreciated value.

Some more lenient provisions are necessary in reference to the forfeiture and sale of lands, for the non-payment of taxes and penalties; and also the sale of lands on mortgages given to the State on account of various trust funds. The advertisements, with which the newspapers in many parts of the State are crowded, as respects both these matters, show, without doubt, that relief is necessary. A large quantity of lands, if something is not done in the one case, must change owners on uncertain tax titles; and, in the other, the State will become, what she ought not to be, an extensive holder of real estate, taken from her citizens.

I have thus endeavored, in as brief a manner as possible, to lay before you such matters, as it occurred to me, would demand your particular consideration. The history of the last few years possesses but few attractions, and our visions of the future are not of the brightest or most cheering character. Still there is no ground for despondency. Our State is young. We possess a fertile country; our population, enterprising and industrious, is constantly increasing; and our resources, as they shall be developed, will rapidly diminish, by comparison, the magnitude of our present embarrassments. If we but make the proper efforts, relief will come to us ere we are aware of it. With such a country and such a population as we have, if we are true to ourselves and honest with the rest of the world, we must finally triumph over all our difficulties.

Representing different constituencies, and coming directly from them, you are well informed of all their wants and necessities; and it will at all times afford me the most sincere pleasure to unite with the Legislature in all measures calculated to give just relief to the citizen, and to advance the honor and prosperity of the State.

SAMUEL BIGGER.

EXECUTIVE CHAMBER, }
Dec. 6, 1842. }

The Senate then returned to their chamber.

Mr. Simonson offered for adoption the following resolution:

Resolved, That the Sergeant-at-Arms be directed to contract with the Editors of the Indiana Journal and State Sentinel for three copies of their respective daily papers, for each member of this House, *provided*, the expense shall not exceed seventy cents per copy.

Mr. Brown of M., moved to strike out the *proviso*, agreed to.

Mr. Shoup moved to strike out "three" and insert "two," carried in the affirmative.

Mr. Edwards moved to amend by adding, "and that the proportional expense be subtracted from each member's salary."

Mr. Simonson moved to amend the amendment by adding at the end thereof, "who may desire to have them." Agreed to.

Mr. Claypool moved to indefinitely postpone the whole subject;

And the ayes and noes being demanded thereon by Messrs. Claypool and Moore of Owen.

Those who voted in the affirmative were,

Messrs. Baker, Beall, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Goodenow, Hargrove, Hillis, Hodges, Jackson, Logan, Lowe, Meeker, Montague, Moore of Owen, Myers, Norvell, Parker, Real, Rich, Roberts, Shelby, Sluss, Summers, Wheeler and Williams—29.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Clements, Coffin, Davis of Sullivan, Dunn, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Huckaby, Johnson, Jones, Leslie, Lewis, Leyman, Lingle, Major, Marvin, Matheny, Mathers, McCormick, Milliken, Mitchell, Moore of F., Nees, Nelson, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Sumner, Swyhart, Tevis, Thompson, Tingley, Wilson and Mr. Speaker—67.

The motion recurring on the adoption of the amendment as amended, it was rejected.

The question recurring on the adoption of the resolution,

The ayes and noes were demanded thereon, and the vote stood as follows:

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Clements, Coffin, Dunn, English, Flannegan, Francis, Fuller, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Johnson, Jones, Lewis, Leyman, Lingle, Major, Marvin, Matheny, Mathers, McCormick, Milliken, Mitchell, Moore of Floyd, Nees, Nelson, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Rich, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Sumner, Swyhart, Tevis, Thompson, Tingley, Wilson and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Baker, Butler of Vanderburgh, Claypool, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Edwards, Foulke, Goodenow, Hargrove, Hillis, Hodges, Huckaby, Jackson, Leslie, Logan, Lowe, Meeker, Montague, Moore of Owen, Myers, Norvell, Parker, Real, Roberts, Shelby, Sluss, Summers, Wheeler and Whight—33.

So the said resolution was adopted.

Mr. Rich, (who originally voted in the negative, and leave being granted, changed it to the affirmative,) moved to re-consider the vote on the adoption of the foregoing resolution:

Mr. Carter moved to lay the whole matter on the table,

Which motion prevailed.

Mr. Norvell offered for adoption the following resolution:

Resolved, That the House of Representatives, will, on Thursday, the 8th instant, at 10 o'clock, A. M., (the Senate concurring therein,) proceed to the election of Prosecuting Attorneys, to fill the vacancies that have occurred by resignations or otherwise.

Mr. Brown of M. moved to add "Judges," which was accepted by the mover.

Mr. Gorman moved to except the 10th judicial circuit.

On motion of Mr. Brown of M.,

The resolution and amendments were laid upon the table.

Mr. Milliken offered for adoption, the following resolution:

Resolved, That the public printer of this House, be instructed to print and furnish for the use of the members thereof, one thousand copies of the Governor's message.

Mr. Butler of V. moved to strike out "one thousand" and insert "three hundred" which was lost.

The question recurring on the adoption of the original resolution, it was decided in the affirmative.

On motion of Mr. Shoup,

Resolved, That the Sergeant-at-Arms be instructed to ascertain the lowest price for two hundred copies each, of the daily Sentinel and Journal, and report to-morrow morning at 10 o'clock.

On motion of Mr. Moore of O.,

Resolved, That two hundred copies of the Standing Committees and order of business, be printed for the use of the members of this House.

Mr. Davis of S. offered for adoption the following resolution:

Resolved, That the rules of the last House of Representatives be adopted for the government of this House.

Which was adopted.

Mr. McCormick (on leave) introduced joint resolution No. 2, a joint resolution for the repeal of a fine assessed against Gen. Andrew Jackson in 1815, read first time and passed to a second reading on to-morrow.

Mr. Gorman (on leave) introduced joint resolution No. 3, entitled "a joint resolution in relation to the Bankrupt Law;"

Read first time and passed to a second reading on to-morrow.

Mr. Shoup offered for adoption the following resolution:

Resolved, That the Door-keeper of the House of Representatives be authorized to employ a sufficient number of assistants as may be necessary to discharge the duties, at a price not exceeding two dollars per day.

Mr. Bradley moved to strike out "a sufficient number" and insert two and a wood chopper," also strike out all after the word "assistants;"

Which motion prevailed;

And the resolution was adopted.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, with two amendments, a bill of the House of Representatives, entitled

No. 1. A bill for the relief of the people of Allen county;

In which amendments the concurrence of the House of Representatives is respectfully requested.

The House concurred in the amendments of the Senate to the bill above named;

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley (on leave) introduced Bill No. 4, entitled a bill in relation to the docketing of causes in the Lake circuit court;

Read a first time and passed to a second reading on to-morrow.

When, on motion of Mr. Mr. Edwards,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, DEC. 7, 1842.

The House met pursuant to adjournment.

Mr. Thompson moved that the Senate return to the House the message announcing the concurrence of the House in amendments of the Senate, to bill of the House No. 1, entitled "a bill for the relief of the people of Allen county," and said motion prevailed;

Ordered, That the Clerk inform the Senate thereof.

PETITIONS WERE PRESENTED

By Brown of M., from divers citizens of Richardsville county, praying that courts may be holden in said county, which was referred to a select committee of Messrs. Robinson, Brown of M. and Carter.

Mr. Francis, praying relief of certain School Trustees of Laporte county, referred to committee on Education.

By Mr. Swyhart, presented the memorial of Benjamin H. Scott, relative to certain charges preferred against him by Daniel R. Bearss and others, at the last session of the General Assembly, for malfeasance in office; Mr. Swyhart then moved to send for papers and testimony in the case, whereupon Mr. Swyhart moved to refer the whole matter to a select committee,

Which was accordingly done ;

Mr. Stratton then moved, that the committee notify Daniel R. Bearss of Miami county, by subpœna,

Which was agreed to;

The Speaker announced the following gentlemen as such committee:

Messrs. Swyhart, Robinson, Carter, Cuppy and Prilliman.

By Mr. Hodges, from divers citizens of Vigo county, praying for the establishment of a Salt Inspector;

Which was referred to a select committee of Hodges, Strain, Patrick, Davis of S., Nees and Steele.

By Moore of Floyd, presented the petition of Mary Clark, praying for a divorce ;

Which was referred to the judiciary committee.

By Brown of M., presented the petition of Isaac S. Bordman and others, praying that a divorce might be granted Catharine Lucetta A mer ;

Which was referred to the judiciary committee.

Mr. Flannegan presented the petition of Nancy Field, praying a divorce ;

Which was referred to the judiciary committee.

The Speaker laid before the House a communication from His Excellency the Governor, announcing the appointment of Isaac H. Kiersted, to bear messages to this House.

Mr. Jackson presented a petition from divers citizens of Elkhart county, to extend the act passed at the last session of the Legislature, compelling speculators to pay a road tax equal to that paid by actual settlers ;

Mr. Wilson moved to refer said petition to the committee on Roads;

Which was not agreed to.

Mr. Jackson then moved its reference to a select committee of three;

Which motion prevailed.

The Speaker then announced Messrs. Jackson, Cuppy and Bradley, said committee.

Mr. Gorman presented the petition of divers citizens of Monroe

county, praying for the relief of John J. Graham of Morgan county, and moved to refer the same, without reading, to a select committee;

Which was agreed to.

The Speaker then announced Messrs. Matheny, Gorman and Marvin said committee.

Mr. Wilson offered for adoption the following resolution:

Resolved, That this House will (the Senate concurring) proceed to the election of a President Judge, for the fifth judicial circuit, and Prosecuting Attornies, for the second, third, fifth, sixth, seventh, eighth and tenth judicial circuits, on this day, at 2 o'clock, P. M.

Mr. Gorman moved to lay said resolution on the table;

Which was agreed to.

Mr. Millikin offered for adoption the following resolution;

Which was adopted by consent.

Resolved, That the committee on Elections be instructed to enquire into the expediency of so amending the law relative to elections, that every voter be required to vote in the Township where he has his residence.

Mr. Thompson offered for adoption the following resolution:

Resolved, That the committee of Ways and Means be instructed to enquire into the expediency of amending the Revenue Laws, so as to exempt all improvement on land for agricultural purposes, from taxation until such improvements shall exceed four hundred dollars in value;

Which was adopted by consent.

Mr. Rich offered for adoption the following resolution:

Resolved, That the committee on public expenditures be instructed to enquire into the expediency of reducing the salaries of all public officers of this State, over which the Legislative body has control, and report by bill or otherwise.

Mr. Millikin offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law in relation to executions that no property shall be sold on execution or other process, unless it bring its full cash value; that not more than one execution be issued in the space of twelve months at the defendant's cost; that the defendant, if his or her family exceed five in number, shall have \$150 worth of property exempt from execution; that the plaintiff have the right, after the defendant choose the amount of property exempt from execution, to select the personal property to levy on; and if the oldest execution creditor will not purchase the property, the next oldest execution creditor may purchase the same, and the officer selling the property shall credit it on the claim of the purchaser. Exempt the tools of mechanics.

Mr. Brown of M. moved to amend by exempting tools of mechanics.

Mr. Huckaby moved to amend by exempting tavern articles and furniture.

Mr. Thompson moved to amend by exempting farming utensils.

Mr. Bradley moved to amend by exempting farms.

Which motion was consented to.

Mr. Millikin moved the previous question; which motion did not meet with a second.

Mr. Norvell moved to lay the whole proceedings on the table;

Which motion was agreed to.

On motion of Mr. Davis of S.,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill, reducing the penalty on delinquent tax payers from twenty-five per cent. to six per cent.

On motion of Mr. Clements,

Resolved, That the committee of ways and means enquire into the expediency of so amending the revenue laws, that the time of returning the delinquent list be extended to the 3d Monday in May in each year; and also, the repeal of that part of the law which requires a forfeiture of twenty-five per cent. for the non-payment of taxes, and report by bill or otherwise.

Mr. Thompson moved to amend by postponing the sale of delinquent lands until the 1st Monday of January;

Which amendment was adopted by consent.

Mr. Brown of D. moved that the House go into a committee of the whole, on the subject of the Governor's message, at precisely 2 o'clock P. M., this day;

Which was agreed to.

Mr. Gorman offered for adoption the following resolution :

Resolved, That the judiciary be instructed to enquire into the expediency of reporting a bill amending the present execution law, so as to provide that from and after some definite time all contracts thereafter made, shall be collected by law, without appraisement.

Mr. Edwards moved to amend by inserting the word "expediency" instead of "instruct."

Which amendment was adopted.

Mr. Lowe moved to amend by striking out from the enacting clause;

Which was agreed to; and,

On motion of Mr. Wilson,

The whole matter was laid on the table.

On motion of Mr. Simonson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the 2d section of "an Act prescribing the duties of county treasurers," so that the condition of the bond required shall include a faithful discharge of the duties of his office; and,

On motion of Mr. Lingle,

Resolved, That the committee of ways and means be required to examine into the propriety of requiring the collectors of the various counties to receive the county levies in State scrip, when presented, with leave to report by bill or otherwise.

Mr. Clements offered the following resolution:

Resolved, That the committee on ways and means are hereby in-

structed to report to this House as soon as practicable a bill to reduce the salaries of State and county officers, and provide for a more economical expenditure.

Mr. Bradley moved to amend by striking out the word "instruct" and insert expediency; and thereupon, the ayes and noes being demanded by Messrs. Clements and Butler of V.,

Those who voted in the affirmative were,

Messrs. Baker, Bales, Beall, Bradley, Brown of D., Brown of W., Butler of R., Butterfield, Campbell, Carter, Cuppy, Davis of M., Davis of S., Denney, Dunn, Edwards, Flannegan, Francis, Gilbert, Gorman, Hawkins, Hiatt, Huckaby, Jackson, Lee, Leslie, Leyman, Lingle, Marvin, Matheny, Mathers, McCormick, Mitchell, Montague, Myers, Nelson, Norvell, Osborn, Patrick, Parker, Prilliman, Proctor, Robinson, Shelby, Shoupe, Simonson, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swyhart, Tevis, Tingley, Whight, Wilson, and Mr. Speaker.—59.

Those who voted in the negative were,

Messrs. Brown of M., Brown of R., Butler of V., Chrisman, Claypool, Clements, Cooley, Dufour, English, Foulke, Fuller, Harding, Hargrove, Hillis, Hodges, Johnson, Jones, Lewis, Logan, Lowe, Major, Meeker, Millikin, Moore of F., Moore of Owen, Nees, O'Neal, Peake, Real, Rich, Roberts, Rose, Wheeler, and Williams.—34.

So said amendment was adopted.

Mr. Hillis moved further to amend by reducing the per diem allowance of members of the Legislature to two dollars der day.

Mr. Davis of S. moved to strike out ways and means and insert judiciary;

Which motion prevailed and the resolution adopted.

Mr. Carter asked leave to suspend the rules of the House, in order to introduce a bill;

Which was not granted.

On motion of Mr. Shoupe,

Resolved, That the committee on the judiciary, be instructed to enquire into the expediency of so amending the law authorizing the summoning petit jurors, that twelve instead of twenty-four be summoned for each week of court.

Mr. Matheny offered for adoption the following resolution:

Resolved, That the judiciary committee be required to examine into the expediency of amending the revenue law so far as it relates to county Auditors.

Mr. Moore of Owen, moved to amend said resolution by abolishing the office of county Auditor;

Which amendment was not agreed to.

Mr. Brown of M. moved to refer the whole matter to the committee on Ways and Means;

Which motion was agreed to.

The question then recurring on the adoption of the resolution, was adopted.

Mr. Jackson offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the propriety of, and, expediency of reporting to this House a bill reducing into one, the several acts defining the duties of Justice of the Peace, and Constables in civil and criminal cases, with a view to have the law uniform in the several counties in the State, but before any action was had thereon, the hour for the introduction of resolutions expired.

Mr. Davis of S. moved to suspend for the time being rule thirty-seven, in order to introduce a resolution ;

Which motion did not prevail.

Mr. Bradley moved to suspend the rule, and take up the resolution in relation to receiving newspapers ;

Which motion was agreed to.

Mr. Millikin thereupon moved to strike out "daily" and insert "tri-weekly ;"

Which motion was lost.

Mr. Bradley moved to strike out "two" and insert "one ;"

Which was agreed to.

Mr. Brown of M. moved that, provided the cost shall not exceed one dollar and fifty cents ;

And the ayes and noes being demanded by Messrs. Hillis and Gorman;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Beall, Bradley, Brown of Marion, Brown of White, Campbell, Carter, Flannegan, Hardin, Johnson, Lee, Lewis, Leyman, Marvin, McCormick, Millikin, Mitchell, Nees, O'Neal, Osborn, Patrick, Stewart and Mr. Speaker—24.

Those who voted in the negative were,

Messrs. Bowers, Brown of D., Brown of R., Butler of R., Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Cooly, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, Francis, Fuller, Gilbert, Goodenow, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Jones, Leslie, Lingle, Logan, Lowe, Major, Matheny, Mathers, Meeker, Montague, Moore of Floyd, Moore of Owen, Myers, Nelson, Norvell, Parker, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swyhart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams and Wilson—69.

Which amendment was lost.

The Speaker announced the following committee, on the resolution of yesterday, to district the State into congressional districts:

Messrs. Davis of Sullivan, Leyman, Logan, Shoup, Butler of V., Brown of M., Stratton, Robinson, Bradley, Gorman, Butler of R., Mitchell and Wheeler.

Mr. Bradley thereupon moved that the House excuse him from serving on said committee ;

Which motion prevailed.

Mr. Butler of V., also asked that the House would excuse him from serving on said committee ;

Which was not granted.

Mr. Nelson moved to re-consider the vote excusing Mr. Bradley from serving on said committee to district the State into congressional districts ;

And the ayes and noes having been demanded by Messrs. Butler of V. and Tingley ;

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Davis of Madison, Denny, Edwards, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Mathers, Millikin, Mitchell, Montague, Myers, Parker, Proctor, Real, Rich, Shelby, Shoup, Sluss, Steele, Strain, Summers, Tevis, Thompson, Tingley and Williams—40.

Those who voted in the negative were,

Messrs. Barker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, English, Flannegan, Fuller, Hardin, Hargrove, Hiatt, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Roberts, Robinson, Rose, Simonson, Snook, Stewart, Stratton, Sumner, Swyhart, Wheeler, Whight and Mr. Speaker—54.

So Mr. Bradley was not excused from serving upon said committee.

Mr. Butler of V. offered for adoption the following rule :

“That the Speaker of this House shall not respond to any member who shall address him from any other than his own place ;”

Which was adopted.

And on motion,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Agreeable to the motion of Mr. Brown of D., the House resolved itself into a Committee of the whole, on the Governor's message, Mr.

Brown of D. in the chair, and after some time spent therein, the committee rose and the chairman reported the following resolution to the House for its concurrence, to-wit:

Resolved, That so much of the Governor's message as relates to common schools, be referred to the committee on Education.

Resolved, That so much of the Governor's message as relates to re-pudiation, be referred to the committee on the Judiciary.

Resolved, That so much of the Governor's message as relates to internal improvements, be referred to the committee on Canals and Internal Improvements.

Resolved, That so much of the Governor's message as relates to our foreign debt be referred to the committee on the canal fund.

Resolved, That so much of the Governor's message as relates to the re-issue of treasury notes and the finances of the State generally, be referred to the committee on ways and means.

Resolved, That so much of the Governor's message as relates to the State Bank be referred to the committee on the State Bank.

Resolved, That so much of the Governor's message as relates to the subject of delinquent lands for the non-payment of taxes be referred to the committee on ways and means.

Resolved, That so much of the Governor's message as relates to the suspended debt, be referred to the committee on the judiciary.

Resolved, That so much of the Governor's message as relates to the penitentiary, be referred to the committee on the State Prison.

Resolved, That so much of the Governor's message as relates to the subject of the State University, colleges at Crawfordsville, Greencastle and South Hanover, be referred to the committee on education.

The House then concurred generally in the foregoing resolutions.

The following message was received from the Senate, by Mr. Maquire, their secretary:

MR. SPEAKER:

I am directed by the Senate to return to the House of Representatives, the message announcing the concurrence of the House of Representatives in the amendments of the Senate to bill No. 1 of the House of Representatives, entitled, "a bill for the relief of the people of Allen county."

I am also directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, viz:

Resolved, That the Senate will (the House of Representatives concurring therein,) proceed to the election of a President Judge, for the fifth judicial circuit, and, also, Prosecuting Attorneys, to fill the several vacancies which have occurred since the last session of the General Assembly, on to-morrow at 2 o'clock P. M.

Messrs. Parks and Kelso are appointed tellers on the part of the Senate.

The House refused to concur in the first amendment of the Senate

to bill of the House mentioned in said message; but agreed to the second amendment.

Mr. Davis of S. moved to lay so much of the message of the Senate as relates to the election of judges and prosecuting attorneys on the table; and upon this question the ayes and noes were demanded by Messrs. Butler of Vand. and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Campbell, Carter, Chrisman. Clements, Cooley, Davis of S., Dufour, Dunn, English, Fuller, Gilbert, Gorman, Hardin, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Prilliman, Roberts, Rose, Robinson, Shelby, Shoupe, Simonson, Sluss, Snook, Steele, Stewart, Swyhart, Tevis, Wheeler, Whight, and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of Vand., Butterfield, Claypool, Cuppy, Davis of M., Denney, Edwards, Flarnegan, Foulke, Francis, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Matheny, Mathers, Parker, Patrick, Real, Proctor, Rich, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Williams, Wilson.—44.

So said message was laid on the table.

BILLS PRESENTED.

By Mr. Hodges, No. 9, to authorize the exchange of treasury notes; Read a first time and passed to a second reading on to-morrow.

By Mr. Clements, No. 10, to amend an act supplemental to an act subjecting real and personal property from execution, approved February 4th, 1841, approved January 8th, 1842;

Read a first time and passed to a second reading on to-morrow.

Mr. Campbell, No. 11, fixing the time of holding the terms of the board of commissioners in the county of Porter;

Read a first time and passed to a second reading on to-morrow.

By Mr. Wilson, No. 12, a bill relative to the collection of county revenue;

Read a first time and passed to a second reading on to-morrow.

By Mr. Moore of F., No. 13, a bill to establish an additional place of holding elections in the township of Greeneville, Floyd county;

Read a first time and passed to a second reading on to-morrow.

By Mr. Bradley, No. 14, a bill for the relief of owners of Indian reservations;

Read a first time and passed to a second reading.

By Mr. Bradley, No. 15, a bill concerning a certain estate without known heirs;

Read a first and second times, (the rules being suspended,) and referred to the committee on the judiciary.

By Mr. Carter, No. 16, regulating the rate of interest on bonds issued by the board of commissioners of Cass county;

Read a first time and passed to a second reading on to-morrow.

By Mr. Bradley, No. 5, a joint resolution in relation to canal lands;

Read a first time and passed to a second reading.

By Mr. Carter, No. 8, to postpone the sale of delinquent lands;

Read a first time and passed to a second reading on to-morrow.

By Mr. Robinson, No. 6, to legalize an election therein named;

Read a first time and passed to a second reading on to-morrow.

By Mr. Norvell, No. 7, a bill to reduce the annual salary of certain officers of the State of Indiana, and the *per diem* allowance of the members of the General Assembly;

Read a first time and passed to a second reading on to-morrow.

BILLS AND JOINT RESOLUTIONS ON SECOND READING.

No. 2, a joint resolution concerning the fine imposed upon General Andrew Jackson, in 1815.

Read a second time.

Mr. Rich moved to strike out the words "for his defence of the city of New Orleans;" but before the motion was put the joint resolution and amendment were referred to the committee on the judiciary.

No. 3, a joint resolution in relation to the Bankrupt law;"

Read a second time, when

Mr. Tingley moved to insert after corporations the word "states."

Motion lost.

Mr. Parker moved to amend by striking out corporations.

Not agreed to.

Mr. Bradley moved to strike out all relative to repeal;

Which amendment did not prevail.

Mr. Simonson moved to amend by striking out the section relative to voluntary bankrupts.

Before this motion was decided, the whole matter, on motion of Mr. Brown of M., was referred to the committee on the judiciary.

Mr. Davis of S. presented the affidavit of Madison Marsh, in relation to the contested seat now occupied by Hon. Enos Beall.

Referred to the committee on elections.

Mr. Bradley, on leave, introduced the following resolution:

Resolved, That the Sergeant-at-Arms be directed to contract with the publishers of the Indiana Journal and State Sentinel for two copies of each of their tri-weekly papers, for each of the members of this House.

Mr. Rich moved to amend by adding, "provided the expense shall not exceed seventy cents per copy;"

Which amendment was lost.

The question recurring upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Butler of V. and Moore of O.

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bradley, Brown of D., Brown of M., Brown of W., Butterfield, Campbell, Carter, Chrisman, Davis of S., Dunn, English, Flannegan, Francis, Fuller, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hodges, Johnson, Jones, Lewis, Leyman, Marvin, Mathers, McCormack, Millikin, Mitchell, Moore of F., Nees, Nelson, O'Neal, Patrick, Prilliman, Robinson Shoupe, Snook, Stewart, Strain, Stratton, Swyhart, Tevis, and Mr. Speaker.—47.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of R., Butler of R., Butler of V., Claypool, Clements, Coffin, Cooley, Cuppy, Davis of M., Denney, Dufour, Edwards, Goodenow, Hargrove, Hillis, Huckaby, Jackson, Leslie, Lingle, Logan, Lowe, Major, Matheny, Meeker, Montague, Moore of Owen, Myers, Norvell, Osborn, Parker, Peake, Proctor, Real, Rich, Roberts, Rose, Shelby, Simonson, Sluss, Steele, Summers, Sumner, Thompson, Tingley, Wheeler, Whight, Williams, and Willson.—50.

So said resolution was lost.

Bill No. 4, entitled "a bill in relation to the docketing of causes in the Lake circuit court;"

Which was read a second time and ordered to be engrossed.

On motion of Mr. Nees,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DEC. 8, 1842.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

The Senate has receded from its first amendment to the bill of the House of Representatives, entitled

No. 1, a bill for the relief of the people of Allen county.

PETITIONS WERE PRESENTED.

By Mr. Milliken, from Isaac Nelson, praying for divorce;

Which was referred to the judiciary committee.

By Mr. Lingle, the petitton of John Handley and others, praying relief for the purchasers of saline lands;

Which was referred to the committee of Ways and Means.

By Mr. O'Neal, from divers citizens of Greene county, asking a reduction of the fees and salaries of the several officers of the State;

Which was referred to the judiciary committee.

Mr. Hodges presented the petition of John Sankey;

Which was referred to the committee on canals and internal improvements.

Mr. Hawkins presented the petition of Parker L. Wise and others, praying the extension of an "Act to compell speculators to pay a road tax equal to that paid by actual settlers;" Approved, January 31, 1842;

Which was referred to a select committee of Messrs. Hawkins, Butler of Randolph, and Thompson.

Mr. Francis presented the petition of W. W. Taylor and others, praying the abolishment of capital punishment;

Which was referred to the judiciary committee.

Mr. Chrisman presented the petition of Nicholas Grant and others,

Which was referred to the judiciary committee.

Mr. Clements presented the petition of E. N. Robinson and others, in relation to the New Albany and Vincennes Turnpike Road;

Which was referred, without reading, to the committee on Roads.

Mr. English presented the petition of numerous citizens of Scott county, praying that the said county be included in an act concerning petit jurors, in certain cases therein named; Approved, January 22, 1842;

Which was referred to the judiciary committee.

Mr. Whight presented the petition of T. C. Stewart, President, C. Alexander and H. Benton, Vice Presidents, and W. Holden, Secretary, containing sundry resolutions, passed by numerous citizens of Pike county.

Whereupon Mr. Tingley moved to change the reference to the committee on federal relations ;

Which motion was lost,

Whence it was referred, by consent, to the judiciary committee.

Mr. Major presented the petition of A. Hendrickson and others, in relation the to assessments of improvements on lands ;

Which was referred to the committee of ways and means.

Mr. Shoup presented the petition of George W. Hannah and others, in relation to the change of State Road therein named ;

Which was referred to the committee on roads without reading.

Mr. Logan presented the petition of Jacob M. Lemon, praying the Legislature to vacate certain town lots in Claysville ;

Which was on motion,

Referred to a select committee of Messrs. Logan, Baker and English.

Mr. Cooley presented the remonstrance of Isaac Price and others, in relation to a change in the State Road, leading from Rushville, in Rush county, to Brookville, in Franklin county ;

Which remonstrance was referred to the committee on roads.

Mr. Hawkins presented the petition of Jacob H. Saunders, praying for a State road in Jay county ;

Which was referred to a select committee of Messrs. Prilliman, Hawkins and Gilbert.

Mr. Thompson presented the petition of P. H. Clark and others, citizens of Allen county, praying for a State Road ;

Which was referred to a select committee of Messrs. Thompson, Carter and Swyhart.

Mr. Flannegan presented the petition of Eli Egbert and others of St. Joseph, praying for a State Road therein named ;

Which was referred to the committee on roads.

Mr. Cuppy presented the petition of Richard Boughan and others, citizens of Whitley county, praying for the location of a State Road therein mentioned ;

Which was referred to the committee on roads.

Mr. Hawkins presented the petition of Reuben W. Lewis and others, citizens of Jay county, praying for the location of a State Road therein named ;

Which was referred to a select committee of Messrs. Hawkins, Mitchell and Dunn.

Mr. Mitchell presented the petition of divers citizens of Noble county, asking for the location of a State Road therein named ;

Which was, on motion,

Referred to a select committee, consisting of Messrs. Mitchell, Hawkins and Beall.

The resolution of Mr. Jackson, which was cut off by the hour rule on yesterday, was this day taken up and adopted.

On motion of Mr. Logan,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending an act entitled "An act

pointing out the mode of levying taxes," approved February 12th, 1841, so as to make it the duty of every assessor to attend on a certain day, at some public place in each township in his county, in pursuance of notice, theretofore duly given, to make a list of the property of each resident of said township, who may meet him at such public place; and that no assessor shall call upon any resident of any township, for said purpose until he shall have given such notice, and attended in such township as aforesaid.

On motion of Mr. Cooley,

Resolved, That the committee of ways and means be requested to enquire into the propriety of printing two thousand copies of the laws of the State of Indiana in the German language, so as to place two copies in each township in the State, and report by bill or otherwise.

On motion of Mr. Parker,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law of evidence, as to prohibit any enquiry whatever, into the religious belief of witnesses.

On motion of Mr. Butler of V.,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so altering the revenue law as to require townships to elect their own assessors and collectors.

On motion of Mr. Roberts,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the laws now in force, regulating the appointment of jurors, and their attendance upon the circuit court, as to save the expense to the several counties, of the constant attendance of jurors from the commencement to the close of each term of the circuit courts, and that said committee report thereon.

On motion of Mr. Shoup,

Resolved, That the committee on roads be instructed to enquire into the expediency of repealing the *fourth section* of an act, further to amend an act, entitled an act, relating to public roads and highways; Approved February 17, 1838, and report by bill or otherwise.

On motion of Mr. Chrisman,

Resolved, That the committee on roads be requested to enquire into the expediency of repealing an act, to amend an act, relating to public roads and highways; Approved February 17, 1838; approved January 29, 1842.

On motion of Mr. Hargrove,

Resolved, That His Excellency the Governor be requested to inform this House, whether or not he has received any communications from the foreign State bond holders, upon the subject of her public debt, and if so, to submit the same, (with his reply thereto) to this House at as early a day as convenient.

On motion of Mr. Williams,

Resolved, That the committee on ways and means be instructed to enquire into the expediency of making treasury notes receivable for all State dues, so far as the same can be done.

On motion of Mr. Moore of O.,

Resolved, That the committee on public expenditures be required to report a bill repealing so much of the revenue law as allows county treasurer's mileage.

On motion of Mr. Davis of S.,

Resolved, That the Speaker be authorized to assign to the committee of ways and means a suitable and comfortable room in the Capitol, for the sittings of said committee.

On motion of Mr. Simonson,

Resolved, That the committee on canals and internal improvements be directed to enquire into the expediency of authorizing the boards doing county business, in the several counties, through which the Jeffersonville and Crawfordsville McAdamized road passes, to appoint supervisors on the same, empowering them to use the public materials, and adopt such other regulations as will preserve the materials, make the road passable for travellers, and keep the same in good repair.

BILLS INTRODUCED,

By Mr. Fuller, No. 17. "A bill to change the mode of doing county business, in the county of Warrick;"

Read first time, and referred to the judiciary committee.

By Mr. Francis, No. 18. "A bill for the relief of Catharine Melville;"

Read a first time, and passed to second reading on to-morrow.

By Mr. Bradley, No. 19. "A bill relative to the duties of assessors;"

Read a first time, and ordered to a second reading on to-morrow.

By Mr. Brown of M., No. 20. "A bill to amend the act subjecting real and personal property to execution;"

Which was read a first time, and passed to a second reading on to-morrow.

BILLS AND JOINT RESOLUTIONS ON SECOND READING.

No. 5. A joint resolution in relation to canal lands;

Mr. Wheeler moved to amend by adding the the county of "Fuller;"

Agreed to;

Read a second time and ordered to be engrossed.

No. 6. A bill to legalize an election therein named;

Read a second time, and ordered to be engrossed.

No. 7. A bill to reduce the salaries of certain officers of the State of Indiana, and to reduce the *per diem* allowance of members of the General Assembly;

Read a second time and referred to the judiciary committee.

No. 8. A bill to postpone the sale of delinquent lands;

Read a second time and referred to the committee on ways and means.

No. 9. A bill to authorize the exchange of treasury notes;

Read a second time and laid on the table.

No. 10. A bill to amend an act, supplemental to an act, subjecting real and personal property to execution. Approved Feb. 4. 1841, approved Jan. 8, 1842.

Read a second time and referred to the judiciary committee.

No. 11. A bill fixing the time of holding the terms of the board of commissioners in the county of Porter.

No. 12. "A bill relative to the collection of county revenue;"

Read a second time and referred to the committee on ways and means.

No. 13. A bill to establish an additional place of holding elections in Greenville township, Floyd county ;

Read a second time and ordered to be engrossed.

No. 14. "A bill for the relief of owners of Indian reservations ;"

Read a second time and ordered to be engrossed.

No. 16. A bill regulating the rate of interest on bonds issued by the board of commissioners of Cass county ;"

Read a second time, when Mr. Gorman moved that it be referred to the committee on the judiciary, with instructions to strike out "ten per cent." interest, and insert "six" ;

Which instructions prevailed.

BILLS ON THIRD READING.

No. 4. A bill in relation to the docketing of causes in the Lake circuit court ;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of Marion, asked leave to introduce the following resolution ;

Which was granted by consent.

Resolved, That the Treasurer of State be respectfully requested to report to this House the expenses incurred by the issue of treasury notes during the present year, including the costs of plates, paper, printing, signing and all the contingent expenses.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER;

The Senate has adopted the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein,) proceed, on to-morrow, (Friday,) at two o'clock, P. M. to elect a Senator of the United States, to fill the vacancy which will be occasioned by the expiration of the term of service of the Hon. Oliver H. Smith.

In which I am directed to request the concurrence of the House of Representatives.

Mr. Gorman thereupon moved a call of the House;

Which was ordered.

And upon calling the roll, it appeared that the members were present, except Messrs. Carter, Coffin, Dunbar, Fuller, Whight, Shelby and Myers.

Mr. Lowe hoped the House would excuse Mr. Dunbar, upon the ground of illness;

Consented to, and Mr. D. was excused.

Mr. Whight then moved that the further proceedings of the call be suspended,

The absentees having appeared in their seats.

Mr. Simonson moved to lay the message on the table;

And the ayes and noes being demanded by Messrs. Butler of V., and Simonson.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swyhart, Tevis, Wheeler, Whight and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of Vanderburgh, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley Williams and Wilson—42.

So said message was laid on the table.

Mr. English made the following report from the committee on enrolled bills:

MR. SPEAKER:

The committee on enrolled bills, have compared the following enrolled with the engrossed bill of the House of Representatives, and find it correctly enrolled, to-wit:

No. 1. A bill for the relief of the people of allen county.

And on motion of Mr. Gorman,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, DEC. 9, 1842.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED BY

Mr. Hillis, of Joseph Gray, praying for a divorce;

Which was referred to the judiciary committee, without reading.

Mr. Stratton presented the petition of William H. Wait and others, citizens of Wayne county, praying the appointment of some suitable person as superintendent of common schools, &c.;

Which was, on motion, referred to the committee on education.

Mr. Parker presented the petition of Mark D. Bunday and others, citizens of Henry county, praying the appointment of a superintendent of common schools;

Which was, on motion, referred to the committee on education.

Mr. Davis of Sullivan presented the petition of Catharine Catlin, of Sullivan county, praying for a divorce;

Which was, on motion of Mr. Davis, referred to a select committee of Messrs. Davis of Sullivan, O'Neal and Hodges.

Mr. Swyhart presented the petition of John Bush and others, citizens of the county of Miami, praying for the erection of a mill dam across the Mississinewa river;

Which was, on motion, referred to the judiciary committee.

Mr. Thompson presented the petition of divers citizens of the State of Indiana, praying "that a sufficient number of the laws of the State hereafter made, be printed in the German language;

Which was, on his motion, referred to a select committee of Messrs. Thompson, Prilliman, Wilson, Wheeler and Brown of M.

Mr. Jones presented the petition of Henry Bender and others, citizens of Bartholomew county, in relation to the granting of grocery license;

Which was referred to a select committee of Messrs. Jones, Hardin and Rich.

Mr. Lee presented the petition of Susannah Elizabeth Hunter, of Posey county, in relation to the last will and testament of Rowland Hunter;

Which was referred to the judiciary committee.

Mr. Brown of M., from the committee on the judiciary, reported back bill No. 15, concerning a certain estate without known heirs with amendments.

The question being upon concurring in the amendments of the committee;

The House concurred to the same by consent, and the bill was ordered to be engrossed.

Mr. Tingley of the judiciary committee, reported back to the House bill No. 21, in these words, to wit:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of the House on the subject of selecting but 12 petit jurors for each week of the various courts in this State, have had the same under advisement and instructed me to report the following bill:

A bill defining the modes of selecting petit jurors, in the various counties of this State.

Mr. Shoupe thereupon, moved to suspend the rules, in order to read the bill a third time;

Which motion prevailed.

Mr. Moore of Owen thereupon, moved the following amendment:

To strike out jurors wherever it occurs, and direct the sheriff to summon, in all cases, from the by-standers or others.

Mr. Logan moved to change the reference to a committee of the whole House, and make it the special order of the day on to-morrow.

Mr. Butler of Vanderburgh moved to lay the instructions, with the bill, upon the table.

The question then recurring upon the instructions of Mr. Moore of Owen;

Which was lost.

Mr. Simonson further moved to amend, by providing for the selection of fifteen grand jurors only.

Mr. Bradley moved further to amend, by giving each party a right to peremptorally challenge eight jurors.

Mr. Claypool moved to amend, by inserting, "after the first week."

The following message was received from the Senate, by Mr. Maguire, their Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on the 8th inst. he approved and signed

No. 1, an act for the relief of the people of Allen county;
Which originated in the *House* of Representatives.

The question then recurring upon Mr. Claypool's amendment;
Which was not agreed to.

The question then recurring upon Mr. Bradley's amendment;
Which was not agreed to.

Mr. Foulke then moved to amend, by inserting "or others" after
"by-standers."

Mr. Clements moved to reconsider the vote taken on Mr. Bradley's instructions;

Which was not agreed to.

Mr. Bradley moved to amend, by inserting "six;"

Which was not agreed to.

And the ayes and noes having been demanded by Messrs. Lingle and Nees:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of M., Brown of W., Butler of R., Clements, Davis of M., Davis of S., Dunn, Fuller, Hardin, Hargrove, Hodges, Johnson, Jones, Lewis, Millikin, Moore of O., Myers, O'Neal, Osborn, Patrick, Proctor, Roberts, Simonson, Sluss, Strain, Tevis, Thompson, Whight, and Williams.—31.

Those who voted in the negative were,

Messrs. Beall, Bowers, Bradley, Brown of D., Brown of R., Butler of V., Butterfield, Campbell, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Denney, Dufour, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Lee, Leslie, Leyman, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, McCormick, Meeker, Mitchell, Montague, Moore of F., Nees, Nelson, Norvell, Parker, Peake, Prilliman, Real, Rich, Robinson, Rose, Shoupe, Snook, Steele, Stewart, Stratton, Summers, Sumner, Swyhart, Tingley, Wheeler, Wilson and Mr. Speaker.—65.

So said instructions were not adopted.

Mr. Moore of Owen moved to amend the bill, by excepting Owen county;

Which motion was lost.

Mr. English moved further to amend, by inserting fifteen grand jurors;

Which was agreed to.

The question then recurring upon the commitment of the bill;

Which was not agreed to.

Mr. Brown of M. moved to strike out the 3d section.

Mr. Gorman thereupon, moved to lay the whole subject upon the table;

Which motion prevailed.

Mr. Gorman, on leave granted, made the following report from the judiciary committee, on the subject of the bankrupt law:

MR. SPEAKER:

The judiciary committee, to whom was referred a joint resolution in relation to the bankrupt law, have had that subject under consideration and have directed me to report the same back to the House without amendment, and recommend its passage.

Mr. Wilson moved to recommit the joint resolution to a select committee; and

The ayes and noes having been demanded by Messrs. Matheny and Moore of Owen:

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of Vand., Butterfield, Carter, Claypool, Clements, Coffin, Davis of M., Denney, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Real, Rich, Steele, Strain, Stratton, Summers, Sumner, Swyhart, Tevis, Thompson, Tingley, Williams, and Wilson.—45.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Campbell, Chrisman, Cooley, Cuppy, Davis of S., Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Stewart, Wheeler, Whight, and Mr. Speaker.—52.

So said bill was not recommitted.

Mr. Bradley thereupon moved the following amendment:

Provided the same can be done without affecting any applications made at the time of the taking effect of said repealing act.

The question then recurring on the amendment offered by Mr. Bradley, and the ayes and noes being demanded by Messrs. Gorman and Shoupe:

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of V., Butterfield, Carter, Claypool, Coffin, Davis of M., Denney, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, McCormick, Meeker,

Millikin, Mitchell, Montague, Myers, Parker, Patrick, Real, Rich, Steele, Stewart, Strain, Stratton, Summers, Sumner, Tevis, Tingley, Williams and Wilson.—46.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Butler of R., Campbell, Chrisman, Clements, Cooley, Cuppy, Davis of S., Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, Moore of F., Moore of O., Nees, Nelson, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Swyhart, Wheeler, Whight and Mr. Speaker.—48.

So said amendment did not prevail.

The question then recurring upon the engrossment of the joint resolution, and the ayes and noes having been demanded by Messrs. Gorman and Robinson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Beall, Brown of M., Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Carter, Clements, Coffin, Cooley, Davis of S., Dufour, English, Flannegan, Fuller, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Johnson, Leslie, Leyman, Major, Marvin, Matheny, McCormack, Meeker, Millikin, Moore of F., Moore of Owen, Myers, Nees, Norvell, O'Neal, Osborn, Peake, Proctor, Rich, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Steele, Stewart, Strain, Swyhart, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—61.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of D., Brown of R., Chrisman, Claypool, Cuppy, Davis of M., Denney, Dunn, Edwards, Francis, Gilbert, Hargrove, Jackson, Jones, Lee, Lewis, Lowe, Mathers, Mitchell, Montague, Nelson, Parker, Patrick, Prilliman, Real, Snook, Stratton, Summers, Sumner, and Whight.—34.

So said joint resolution was ordered to be engrossed.

RESOLUTIONS WERE THEN PRESENTED BY

Mr. Robinson:

Resolved, That the judiciary committee be required to enquire into the expediency of passing a law, abolishing marriage license, and particularly that part of the law which requires the payment of one dollar;

Which was adopted.

Mr. Millikin:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the law giving further stay of execution, when specie is demanded.

Mr. Whight:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this House, so amending the execution laws of this State, that real estate shall bring its fair appraised value; and personal property shall bring three-fourths its full value, when given up by the defendant, reserving the right to the plaintiff of choosing, or selecting any property of the defendant, after the said defendant shall have chosen his hundred dollars worth, as is now provided for by law: *Provided*, the plaintiff shall pay a fair appraised value for the property so selected; and that but two executions issue, either from circuit or probate courts, or justices' docket, in one year, the plaintiff paying all costs after the first execution; with leave to report by bill or otherwise.

Mr. Norvell moved to strike out all after the resolving clause, except giving two executions;

Which motion was lost.

Mr. Simonson moved to strike out two and insert one;

Which was also lost.

Mr. English moved to strike out "three-fourths" and insert "fair value;"

Which was agreed to.

The question then recurring upon the adoption of the resolution as amended, and the ayes and noes having been demanded by Messrs. Millikin and Robinson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Beall, Bowers, Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Carter, Clements, Coffin, Davis of S., Denney, Dufour, Dunn, English, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Leslie, Lewis, Leyman, Lowe, Major, Matheny, McCormick, Milliken, Montague, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Roberts, Rose, Simonson, Sluss, Snook, Steele, Stewart, Strain, Tevis, Thompson, Tingley, Whight, Williams, Wilson, and Mr. Speaker.—62.

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Chrisman, Claypool, Cooley, Cuppy, Davis of M., Edwards, Francis, Geodenow, Gorman, Huckaby, Jackson, Jones, Lee, Lingle, Logan, Marvin, Meeker, Mitchell, Parker, Patrick, Prilliman, Real, Robinson, Shoup, Stratton, Sumner and Swyhart.—30.

So said resolution as amended was adopted.

Mr. Norvell:

Resolved, That the judiciary committee enquire into the expediency of so amending the present law as to exempt from taxation one hundred dollars worth of property to each and every householder;

Which was adopted.

On motion of Mr. Davis of Sullivan,

Resolved, That the committee on education be instructed to enquire into the expediency of reporting a bill providing for the payment of costs and expenses accruing, or having accrued, on lands sold or offered for sale, on account of the school fund, and in other proceedings at law in relation to the school fund.

On motion of Mr. Moore of Floyd,

Resolved, That the committee on corporations be directed to report an amendment to an act approved 29 ———, 1842, entitled an act to incorporate the New Albany Patent Bagging Manufacturing Company, so as to make the undivided property of the stockholders, liable for all debts, contracted by said company.

On motion of Mr. McCormack,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the 3d section of the act abolishing imprisonment for debt, that two returns "of not found," shall not be equivalent to a service; but the defendant shall be notified as in other civil suits.

On motion of Mr. Rose,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the existing laws, that in all cases where the plaintiff receives no more than the defendant offers to confess, that the additional accruing costs, in consequence of such prosecution exceeding what would have accrued in case of confession, be at the costs of the plaintiff.

On motion of Mr. Shoupe,

Resolved, That the committee on federal relations, be instructed to report to this House a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to secure the speedy repeal of so much of the late tariff law imposing a duty on salt, and all other absolute necessities of life.

On motion of Mr. Clements,

Resolved, That the committee on education enquire into the expediency of so amending the school laws, that the office of school commissioner shall be abolished, and that all the duties now performed by school commissioners, be performed by the trustees and treasurers of the several townships.

Mr. Swyhart, chairman of the committee appointed to investigate and report upon the memorial of Benjamin H. Scott, now makes the following report, viz:

MR. SPEAKER:

The select committee appointed to investigate, and report upon the memorial of Benjamin H. Scott, having met, and on examining the oral and written evidence, touching the memorial of said Scott, the committee have come to the conclusion that it is unnecessary to subpœna Daniel R. Bearss, as per resolution of this House.

On motion of Mr. Swyhart,

Resolved, That the votes of the House ordering the select committee appointed to investigate the facts set out in the memorial of Benjamin H. Scott, to subpœna Daniel R. Bearss, be, and is hereby rescinded.

On motion of Mr. Butler of V.,

Resolved, That the judiciary committee be instructed to report a bill, so amending an act, entitled an act, applying certain funds to purposes of education; Approved Jan. 31, 1842, so that clerks or justices of the peace who may not have any fees or money to pay over, shall not be required to make return under oath to the Auditor, on the first Monday in August.

On motion of Mr. Cooley,

Resolved, That the committee on the judiciary be requested to enquire into the expediency of repealing the law, allowing attorney's docket fees.

On motion of Mr. Simonson,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the act entitled "an act, to regulate the mode of doing county business in the several counties in this State," as to authorize the boards doing county business in the several counties, to appoint supervisors of roads at their March term, or to provide for their election at an earlier period than is at present prescribed by law.

On motion of Mr. Roberts,

Resolved, That the discussion of a question of a national character, and which cannot come before the State Legislature for its action is a needless waste of time and extravagant expenditure of money, inconsistent with the principles of economy, and uncalled for, and not in accordance with the wishes of the people;

And the ayes and noes being demanded by Messrs. Whight and Bowers;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Beall, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dufour, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Logan, Lowe, Major,

Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swyhart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Cooley, Dunn, Davis of Sullivan, Hardin, Lingle and Milliken—7.

So said resolution was adopted.

On motion of Mr. Butler of V.,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Wilson moved that the House take from the table a resolution of the House offered on yesterday, fixing the time of electing judges and prosecuting attorneys, &c.;

Thereupon, Mr. Gorman moved a call of the House;

Whereupon, the clerk called the roll of the respective members, and it appeared that the absences were Messrs. Beall, Butterfield, Cuppy, Dunbar, Hawkins, Shelby and Tevis.

And on motion of Mr. Lowe, Mr. Dunbar was excused by consent.

Mr. Hodges moved to suspend the further call of the House;

Which motion prevailed.

The question then recurring, shall the resolution be taken from the table;

And the ayes and noes having been demanded by Messrs. Gorman and Davis of Sullivan;

Those who voted in the affirmative were,

Messrs. Bales, Beall, Bowers, Bradley, Butler of Vanderburgh, Claypool, Clements, Coffin, Davis of Madison, Denny, Dufour, Dunn, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Whight, Williams and Wilson—47.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, English, Fuller, Gorman, Hardin, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Matheny, McCormick, Milliken, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swyhart, Tevis, Wheeler and Mr. Speaker—49.

So said motion did not prevail.

On motion of Mr. Edwards,

Resolved, That no member be allowed the privilege of looking over the clerk, or remaining at the clerk's desk while calling the ayes and noes.

A message from the Senate by Mr. Farquhar, the assistant secretary of the Senate:

MR. SPEAKER:

The Senate has passed a joint resolution thereof, entitled

No. 1, a joint resolution in relation to refunding the fine imposed upon General Jackson by the district court of Louisiana;

In which I am directed to ask the concurrence of the House of Representatives.

Thereupon the House took up said message and read a first time.

Mr. Brown of Marion moved to suspend the rule of the House, to have the message of the Senate read a second time;

Which was agreed to.

And, on his motion, the same was referred to the judiciary committee.

Mr. English from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have this day presented to the Governor for his approval and signature, the enrolled bill of the House

No. 1, entitled an act for the relief of the people of Allen county.

BILLS INTRODUCED.

By Mr. Thompson :

No. 22, a bill for the relief of Reuben Main;

Read a first and second times and referred to committee on claims.

By Mr. Norvell:

No. 23, an act to amend an act in relation to granting license;
Read first and second times, and referred to judiciary committee.

By *Mr. Meeker*:

No. 24, a bill to regulate the rate of interest upon money;
Read first time and passed to a second reading on to-morrow.

By *Mr. Sumner*:

No. 25, a bill to amend an act entitled an act supplemental to an act entitled an act subjecting real estate to execution, approved February 10, 1842, approved January 8, 1842;

Read first time and passed to a second reading on to-morrow.

By *Mr. Hodges*:

No. 26, a bill entitled an act to repeal an act applying certain funds to purposes of education;

Read a first time and passed to a second reading on to-morrow.

By *Mr. Davis of Sullivan*,

No. 27, a bill relating to the summoning of petit jurors, in Sullivan county;

Read first time and passed to a second reading on to-morrow.

By *Mr. Clements*:

No. 28, a bill to legalize the districting the county of Daviess into commissioner's districts, and for other purposes;

Read first time and passed to a second reading on to-morrow.

By *Mr. Simonson*:

No. 29, a bill to amend an act entitled an act to amend an act, authorizing aliens and foreigners to hold real estate within the State of Indiana, approved January 25th, 1842;

Read first and second times and referred to the judiciary committee.

By *Mr. Rich*:

No. 30, a bill for the repeal of the proviso to the 17th section of an act entitled an act pointing out the mode of levying taxes, approved February 12th, 1841;

Read first time and passed to a second reading on to-morrow.

By *Mr. Bradley*:

No. 31, a bill in relation to the town of Laporte;

Read first time and passed to a second reading on to-morrow.

BILLS AND JOINT RESOLUTIONS ON SECOND READING.

No. 5, a joint resolution in relation to canal lands;

Read a second time and referred to committee on canals and internal improvements.

No. 18, a bill for the relief of Catharine Melville;

Read a second time and ordered to be engrossed.

No. 19, a bill relative to the duties of assessors;

Read a second time and referred to the committee of the whole House, and made the order of the day for to-morrow 2 o'clock, P. M.

No. 20, a bill to amend an act subjecting real and personal property to execution;

Read a second time and referred to the committee on the judiciary.

BILLS PASSED.

No. 6, a bill to legalize an election therein named;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 11, a bill fixing the time of holding the terms of the board of commissioners in the county of Porter.

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 13, a bill to establish an additional place of holding elections in Greeneville township, Floyd county;

Read a third time and passed.

Ordered, That the clerk inform the senate thereof.

No. 14, a bill for the relief of owners of Indian reservations;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of *Mr. Bradley*,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 10, 1842.

The House met pursuant to adjournment.

The Speaker laid before the House the report of the superintendant of State Prison;

Which was, on motion, referred to the committee on the State Prison, without being read.

The Speaker laid before the House the following request of the Rev. Noah Packard, to wit:

To the Honorable Speaker, and

House of Representatives:

The undersigned respectfully asks the consent of the House, for the privilege of using the Representative Hall, for the purpose of laying before the public the belief, principles and faith, of the church of Christ of Latter Day Saints, both in regard to law and gospel. To commence on Sunday the 11th inst., at eleven o'clock, and continue from time to time, until a fair investigation can be had.

NOAH PACKARD.

Indianapolis, December 10th, 1842,

Mr. Claypool thereupon moved to refer said request to the judiciary committee;

Which was not agreed to.

Mr. Logan moved to lay the same on the table;

Which motion did not prevail.

Mr. Moore of Owen moved to refer it to the committee on military affairs;

Which was agreed to.

Mr. Wilson made a report from the committee on ways and means in these words and figures, to wit:

MR. SPEAKER:

The committee of ways and means, to whom was referred a bill of this House

No. 8, entitled a bill to postpone the sale of delinquent lands, have had the same under consideration, and have directed me to report the same to the House with the following amendments:

Strike out the words in the first section "December, 1843" and insert January, 1844.

Strike out in the 2d Section, the words "December next" and insert January, 1844.

In the same section, strike out "1842."

Strike out the 3d Section and insert—

SEC. 3. That the Secretary of State be, and he is hereby required, to transmit to each of the clerks of the circuit courts of this State a certified copy of this act.

This act to take effect and be in force from and after its passage.

Which amendments were all concurred in, bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lowe made the following report, from the committee on claims:

MR. SPEAKER:

The committee on claims to whom was referred bill of the House No. 22, for the relief of Reuben Main, have had that subject under consideration, and directed me to report it back to the House and recommend its passage.

No. 22, a bill for the relief of Reuben Main;

Which was read a second time and ordered to be engrossed.

Mr. Gorman from the committee on canals and internal improvements made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House instructing them to enquire into the expediency of authorizing the boards doing county business in the

several counties through which the Jeffersonville and Crawfordsville McAdamized road runs, to appoint supervisors on the same, empowering them to use the various materials thereon, for the purpose of keeping the same in repair, &c., have had that subject under consideration and directed me to report a bill.

No. 32, a bill in relation to the Jeffersonville and Crawfordsville turnpike road;

Which was read first time and passed to a second reading.

Mr. Moore of Owen from the committee on public expenditures made the following report:

MR. SPEAKER:

The committee on public expenditures to whom was referred a resolution of this House on the subject of mileage of country treasurers, have had that subject under consideration and have directed me to report the following bill:

No. 33, an act supplemental to an act prescribing the duties of county treasurers, approved February 12th, 1841;

Which was read a first time and passed to a second reading.

Mr. Robinson from a majority of the committee on elections, made the following report:

MR. SPEAKER:

A majority of the committee on elections, to which was referred the memorial of Madison Marsh, and the papers and testimony relative to the case of the contested seat, between him and Enos Beall, both claiming to be the Representative from the district composed of the counties of Steuben and DeKalb, make the following

REPORT:

That your committee have had that subject under consideration, and after a careful examination of all the testimony, and all the papers in any manner connected therewith, they find that Enos Beall, the sitting member, produces as his credentials, the certificate of the Sheriffs of said counties, showing that they met at the Court House, in Steuben county, on the Saturday, next succeeding the first Monday of August last, and compared the certificates of the election for Representative, from the said district, and that it appearing that the said Madison Marsh and Enos Beall had each received 360 votes for said office, at that election, and that neither having therefore received a majority of the votes cast; the said Sheriffs thereupon, by casting lots, decided that the said Enos Beall was elected Representative for the said district, and certified the same accordingly. It further appears, that within the ten days after the said election, required by law, the said Madison Marsh caused notices in writing to be served on the

said Enos Beall, and on the Inspector, Judges and Clerks of the said election, held for Smithfield township, in DeKalk county, as well as on the Sheriff of said county, to the effect, that he, the said Marsh, had contested and would contest the alleged election of the said Beall, and specified therein, as the point of contesting the same, that the vote of one Henry Shoemaker, which had been cast for the said Marsh, at the said election, in the said township, for Representative as aforesaid, had been improperly and illegally rejected by the officers of the election. It further appears, that on the 17th day of August last, being within twenty days after the election, as required by the statute, within the county of DeKalb, the place and time having been fixed by the board doing county business, for said county, according to law, and on the two following days, at the same place, the said board proceeded to, and took down in writing, the testimony of several witnesses, as bearing on the point of controversy, in the presence of the said Marsh and the said Beall, and certified the same to the Speaker of this House, in due form, which is the same testimony referred to your committee. There is no discrepancy in this testimony as to the following facts: 1st. That at the election held in Smithfield township, there were only 16 votes cast, and that Marsh and Beall were the only persons voted for as Representative. 2d. That there was but one person of the name of Henry Shoemaker living in that township, or who voted at that election. 3d. He is proved to have resided in that township for more than one year next preceding the election, and no objection appears to have been or is taken to his qualifications as a voter at that election. 4th. No officer was to be elected at that time but resident county officers of DeKalb county, with the single exception of Representative. 5th. Madison Marsh, who was a candidate for the latter office as well as Enos Beall, was a resident of the county of Steuben. 6th. That printed tickets were used at that election, and that there were two kinds of them and each printed on sheets. 7th. No objection appears to have been or is taken as to the time at which said Shoemaker applied to the officers to vote. 8th. When he applied to vote, the *inspector* handed him a sheet of tickets, but as all of them contained the name of Enos Beall for Representative, he enquired for "another kind," and the inspector handed him a sheet of tickets with the name of Madison Marsh for Representative, that he then enquired of the *same* inspector if he "had scissors or a knife to cut them with," and the latter handed him a penknife; that the said Shoemaker then openly and with no appearance of concealment or subterfuge, and still remaining near to the officers, and within the scope of their operations cut out portions of "each kind" of tickets, evidently for the purpose of suiting his wishes in making up his vote; that his vote thus cut, consisted of four pieces, three of which were by him wrapped in the fourth, which was of a larger size, and handed it to the same inspector, who not only received it at the time without objection, and deposited it in the ballot box, but it does not appear, nor is it pretended, that either of the officers told him while preparing his ticket, that his cutting it would occasion them to reject

it in counting; on the contrary, it appears by *all* the testimony on that point, that the means were furnished to Shoemaker by the inspector to cut and prepare his ticket in the presence, and with the knowledge of the other officers, and who were then all fully apprised of his object and intention. The vote was thus cut and prepared by Shoemaker, not only in the presence of, but with the aid of the officers themselves, who conducted the election, and this was a decision by men whose duty it was by the law to decide on the validity of the vote, that his vote thus prepared, was sufficient and legal. He must have left the ground under the conviction that his vote was unobjectionable, and the rejection of the vote after they had deposited it in the ballot box, and after his back was turned, was a fraud upon his rights, and upon the ballot box. 9th. It is clearly proved that Shoemaker's vote was the only one that was thus cut or divided. And 10th. It appears that the inspector who had given Shoemaker the tickets and the pen-knife, was the first to pronounce the vote illegal on taking it from the ballot box, and that neither of the judges then examined it, although they assented to its rejection, and yet the law requires, that every ticket shall be handed to each of the judges.

On the above facts, as before remarked, there is no discordant testimony. The only point (certainly the only one which can be regarded as at all material,) on which there is any discrepancy in the testimony, is, as to whether the name of the office of Representative was on the same portion of the ticket voted by Shoemaker, which contained the name of Madison Marsh. Isaac B. Smith, the inspector, and Simon Smith testify that the word Representative was not on the ticket. It may be well, however, to remark that the former was evidently mistaken, in testifying that the name of Madison Marsh was printed in *capital letters of one size* on Shoemaker's ticket, although he testifies that his eye-sight is good, and does not wear spectacles, because a sample of the only printed tickets for Marsh, used at that election, accompanies and is sworn to in the deposition of Pharis Blake, one of the clerks of the election; which shews that the name of Madison Marsh is there printed in small *Roman* letters with the usual capital initials of a *larger* size. A mistake of so obvious a fact might well create a doubt whether he was not also mistaken in stating that the name of the office (printed, as it appears from the sample, in very small *italics*, and quite near to the name of Marsh,) was not on the piece containing the name of the candidate. Henry Shoemaker, on the contrary, testifies that he cut and prepared his ticket, as already stated—that he voted for Madison Marsh for Representative—that the word Representative was on the same piece of paper which contained Mr. Marsh's name. It is proper also, to state, that the printed tickets handed to Shoemaker, containing Mr. Marsh's name, had that name at the top of the ticket, immediately and close under the word "Representative," and that the names of the other offices, and the candidates for the same, followed below in order.—Had there been the name of another candidate and office *above* that of Mr. Marsh, in cutting them apart the word "Representative" might

have been accidentally separated from the name of Mr. Marsh; but as there was no other word, name or printed matter above the word "Representative," it is difficult to conceive any motive in Shoemaker to cut off the word "Representative," especially as he wished to, and did vote for Mr. Marsh for that office, and for that reason had rejected the first sheet of tickets handed to him by the inspector, which contained the name of Enos Beall. And it is clear, as above stated, that the word "Representative" could not have been cut off *accidentally*. In this connection it is also proper to state, (as another reason why Isaac B. Smith and Simon Smith may have been mistaken in their testimony on this point,) that the illegality of the vote, at the time of its rejection, was placed on the grounds, not that the name of the office was cut from that of Mr. Marsh, but, (as the testimony shews without contradiction,) solely because the vote consisted of several pieces of paper. The attention of neither of the officers, therefore, was in all probability, directed to what was then thought to be an immaterial fact.

But whatever consequence may be attached to this discrepancy in the testimony, your committee do not regard it as material. It is true that the eighth section of the "Act to regulate general elections," approved 17th February, 1838, requires that every ticket shall contain the name of the candidate intended to be voted for, "designating the office" to which the voter wishes him to be elected; but that this clause of the Statute is only directory, as aiding the officers of the election, and that the omission of the name of the office will not necessarily reject the vote, if the intention of the voter can be ascertained, is manifest from a subsequent clause of the same section, which provides that "no ticket shall be lost for want of form, if the judges of election *can* determine to their satisfaction the person voted for, and the office intended." Can there be any doubt for what office Shoemaker cast his vote for Madison Marsh? Certainly not. Every office, voted to be filled at the Smithfield precinct, was local to the County of De Kalb, excepting that of Representative for De Kalb and Steuben jointly; and as Madison Marsh was then a resident of Steuben, it could not have been intended to vote for him to fill a county office of De Kalb, which, under the constitution and laws of the land, he could not fill. Besides, all the candidates for the other offices voted for by Shoemaker, had the different offices connected with their names, on their respective pieces of paper. The office of Representative, therefore, in the strongest point of view for the setting member remained unappropriated, and could only, by any reasonable construction, be assigned to the name of Madison Marsh. Either of the foregoing views, your committee respectfully submit, determines the question.

But they will advert to another point resulting in the same conclusion. The 8th section of the 3rd article of the Constitution of Indiana provides, that each House of the General Assembly "shall be the *judges* of the qualifications and elections of its members." The Constitution as a direct emanation from the mind and the will of the peo-

ple themselves, is the supreme law of the land. It will hardly be pretended therefore, that the inspectors and judges of elections, the mere creatures of legislative enactment, are the exclusive or paramount judges of such elections. It is a matter of convenience and propriety, that their decisions should be acquiesced in, until proof that they are wrong comes before the proper branch of the Legislature, which still remains the constitutional judges of the whole matter.

And what is this proof? In addition to the other and strongly corroborative circumstances, we have the uncontradicted oath of Henry Shoemaker, that he did intend to vote for Madison Marsh for the office of Representative, and it is fully shown that he deposited such a *ballot* as is secured to him by the constitution. Your committee therefore respectfully submit, that it is the constitutional duty of this House to carry that *intention* into effect.

Could the decision of the officers of an election precinct, sometimes hastily or ignorantly, and sometimes it might be, *corruptly* given, control the conservative power, wisely lodged in the House by the constitution; of judging in a matter like the present, the independence of this House, nay, our government, and even our liberties would be in the most imminent danger.

The *intention* of the voter to give his ticket for Mr. Marsh as Representative, seems not indeed to have been questioned *at the time*, and the ticket was rejected on the single ground that it was divided into several pieces. If the ticket was rejected on the ground that the word "Representative" was not connected with the name of Mr. Marsh, the pieces containing his name only should have been rejected, supposing that a tenable ground. But all the other names were also rejected. It is therefore supposed, that the rejection was placed on the 16th section of the "act to regulate general elections," which provides that "if two tickets are found deceitfully folded together, they shall both be rejected." The object of that provision was to prevent one person from giving two or more votes to the same candidate for the same office; which would be a fraud upon the ballot box. But in the case of Shoemaker's vote there were not two tickets folded together, the several pieces which he folded and deposited made in the whole but *one* ticket. Nor were they, in the language of the law, *deceitfully* folded together. It was done openly and publicly and without the least concealment, and no candidate received thereby, more than one vote for an office. Madison Marsh's name was found on only one of the pieces, and was found on that piece but once. It could not, therefore, have been intended "deceitfully" or otherwise, to give Mr. Marsh more than one vote by that ticket. The facts, therefore, most clearly do not come within either the spirit or letter of the law requiring the rejection of a double vote. But even if any other name appeared twice on that ticket, that name only should have been rejected, according to the express letter of the 8th section of the act which provides that "if more persons are designated to any office than there are candidates to be elected, such *part* of the ticket

shall not be counted." And there is nothing in the 16th section warranting a different practice.

If the reasoning of your committee is correct, the conclusion is, 1st, That Enos Beall is not, and 2d, That Madison Marsh is, entitled to the seat on this floor as the Representative from the counties of Steuben and De Kalb for the present year. Your committee, however, will briefly state another reason, why in their opinion, Enos Beall is not entitled to the seat, whatever may be thought of the claim of Mr. Marsh.

From the document itself, as presented by Enos Beall, and by virtue of which he claims his seat, it appears that even if the rejected vote were disregarded, he did not receive a majority of the votes given for the office of Representative. From that it would appear that he and his competitor received an equal number of votes. Your committee find nothing in the constitution, which regards any person as elected to an office, with less than a majority of the votes cast. It on the contrary expressly provides that "the Representatives shall be chosen annually, (not by lot or blind accident,) but by the *qualified electors* of each county, *on the first Monday in August.*" Elections to that office, it is true, may take place at a different time, under the 12th section of the 3d article, but that is merely when *vacancies* are to be filled under the writ of the Executive, which was not the present case. If the "qualified electors" themselves, therefore, could not, under the constitution have elected Enos Beall as a Representative at any other time than the "first Monday of August," it is difficult to conceive, how a decision "by lot" on the Saturday following, (neither of which is authorized by the Constitution,) could give it greater validity. It is still more difficult to conceive how a decision by lot can amount to an election. The very term *election* implies a *choice*, not an *accident*, not the decree of a blind destiny, not the decision of mere chance; but a *choice*, which always implies a *preference*. A choice made by such a power or agency as is capable of feeling and *willing* a preference, a *choice* by the *qualified electors* required by the Constitution,

Your committee have made these passing remarks on the subject of deciding elections by lot, because an occasion which can but seldom happen has presented itself, they wished to direct the attention of the House to the propriety of further legislation on the subject, and not because they deemed it necessary to the determination of this contested election.

They have, as they conceive, already shown, that on the *facts and law*, it is not a case of a "tie vote;" but that Madison Marsh did receive a majority of the votes given, and is entitled to the seat.

Another question has arisen in this case, to wit: Whether the decision of it shall not be postponed for the purpose of allowing Mr. Beall time to procure other testimony. It is based on his affidavit, also referred to your committee, which states that at the sitting of the board of commissioners for the county of De Kalb, at which the said testimony was taken down in writing, he verily believed he was

able to prove and requested the right, and offered to prove that two persons, not lawful voters, had voted in that Representative district for Madison Marsh, at that election for that office; that the board refused to allow him time to procure the said testimony or to grant him a subpoena for the necessary witnesses, or to permit him to make the proof or to write down any evidence but such as related to the vote of Shoemaker, and that he believes that he could then and can yet, produce evidence to show other illegal votes in favor of the said Marsh, and that if a reasonable opportunity be given, he will prove that a majority of the legal votes were given for him at that election. On all applications to postpone a trial or decision, on account of absent evidence, it is required in courts of justice, that the affidavit should show that *reasonable diligence* had been used to procure the evidence in time without effect, so that the object should appear to be not for the purpose of delay merely, and the *names* and *residences* of the witnesses should be described, to enable the proper tribunal to determine whether the same could be procured, or whether it is within the proper jurisdiction and the *time* by which the evidence can probably be procured by the applicant. That it may appear whether it may not be too late for the cause of substantial justice duly regarding the rights of the other party; and lastly, that the applicant knows of no other persons on the ground by whom he can prove the same facts.

If these are not required, it is obvious that it would be in the power of a party to delay the trial or decision of a controversy without limit. These requirements are still more necessary in a case of contested election. Considering the great distance of the counties of Steuben and De Kalb from the seat of government, it is obvious that if the witnesses live there, before all the testimony and counter testimony could be taken, supposing the parties should succeed in finding all their witnesses, and in overcoming the obstacles of the season and other probable accidents and hinderances, it is manifest that much time would elapse, being a part of the very session for the privilege of sitting, in which the parties are contending. It is indeed, most likely that the foregoing causes in connection with the debate that might arise, would consume the whole of the session, thus leaving, when the matter would be ready for a decision, nothing to be decided. It was doubtless in view of this obvious evil, that it is provided in the 34th and 35th sections of the "act to regulate general elections" that the testimony in cases like the present shall be taken in the county or district within a limited time after the election, and forwarded to the Speaker of the House, so as to ensure an early decision. This course has been pursued by Mr. Marsh in the present case. But has Mr. Beall shown any sufficient reason why his testimony is not before us. It does not appear by his affidavit that he made known to the board of commissioners the *names* or the residence of his witnesses, nor how long it would require to secure their attendance. The board could not be required to continue to sit *indefinitely* in the possible expectation that witnesses *might* come at *some* time. Indeed it does not appear that the mat-

ters submitted to the board, and the request of Mr. Beall was supported even by an affidavit. The notice had been served on him by Mr. Marsh on the 8th of August, and the board commenced its session on the 17th of that month. Nine days would seem to have been sufficient for Mr. Beall to have procured his witnesses from either of the two counties, and yet no reason was then or is yet, given for that omission. Besides, it seems that the witnesses were not present and it is not stated but that they lived in the county of Steuben, and it may well be questioned, whether the board could order subpoenas into another county.

But waiving all this, it appears from the affidavit of Mr. Marsh, who as a party, is entitled to the same credit, that about the time of the service of his notice on Mr. Beall, one Robert L. Douglass, an attorney at law, and a citizen and elector of Steuben county, served a similar notice on Mr. Marsh, contesting his right to a seat in this body, by virtue of the said election, specifying as a point therein, that illegal votes had been given to Mr. Marsh at the said election in the county of Stuben, and that at the time that Mr. Beall requested the board of commissioners of DeKalb county to issue subpoenas for witnesses, Mr. Marsh expressed to, and in the presence and hearing of Mr. Beall and the said Douglass, his willingness and anxiety, that the said contest should be prosecuted against him, Mr. Marsh, in Stuben, agreeably to the said notice; under this notice the board of Steuben would clearly have had jurisdiction to compel the attendance of the witnesses referred to. But it is observable that the contest, of which notice was served on Mr. Marsh, was abandoned, which is strong evidence to your committee that no testimony could be produced of any illegal votes having been given for Mr. Marsh, and that the object was delay. But be this as it may, it is important that the rules required by reason and law, should be complied with in all applications for time to procure testimony, and which your committee think it is manifest, has not been down in the present instance.

It may be added that Mr. Beall states also, in his affidavit, that one of the illegal voters, referred to by him, was indicted in the late circuit court of Steuben county, by the grand jury of that county; and that Mr. Marsh's affidavit states that his competitor, *himself* was the foreman of that grand jury, and that he (Mr. Marsh) can prove that two illegal votes were given to Mr. Beall at that election in Steuben county.

Your committee, however, will only say that an indictment is no evidence of guilt, as every one is presumed innocent until he is duly convicted, after an ample opportunity to produce his own witnesses, and of cross-examining those of the State.

In summing up the whole matter, your committee find that Madison Marsh has received a majority of the legal votes, if they had all been counted, and the voice of the ballot box had been properly regarded, and that he is therefore entitled to the contested seat. If evidence can yet be obtained, tending to a contrary conclusion, it will be competent for the other party on procuring the same, to establish his

right by a decision of this House, but in the mean time the counties of Steuben and DeKalb should not remain unrepresented: Your committee therefore recommend the adoption of the two following resolutions:

Resolved, That Enos Beall is not entitled to a seat in this House at the present session of the General Assembly, as the Representative from the district composed of the counties of DeKalb and Steuben.

Resolved further, That Madison Marsh is entitled to a seat in this House at the present session of the General Assembly, as the Representative from the district composed of the counties of Steuben and DeKalb.

Mr. Edwards from the minority of the committee on election, made the following report, to-wit:

MR. SPEAKER:

The undersigned being the minority of the committee on elections, to which the petition of Madison Marsh, with the accompanying documents were referred:

REPORT,

That said committee according to order, at a meeting held on Wednesday evening, had said petition under consideration, and proceeded thereon, so far as to complete the reading of all the documents before them. That so soon as the reading was completed, one of the undersigned submitted the following resolution to the said committee, viz:

“Resolved, That Enos Beall the Representative from the counties of Steuben and DeKalb, have leave to appear before this committee in person, or by counsel, and answer to the petition of Madison Marsh who claims to be the Representative of said counties, and that the chairman furnish to the said Enos Beall copies of the petition, documents and evidence in relation to the said claim in the possession of the committee.” And that a vote, *viva voce*, was taken on the adoption of the said resolution, that the majority voted against the adoption, and the undersigned for the adoption of the same, and it was rejected. By which vote the said Enos Beall was denied the liberty of appearing before the committee and defending himself.

The undersigned further report, that immediately after the vote on said resolution was taken, a resolution was presented by one of the majority, to the effect that the said Madison Marsh was entitled to said seat, and that pending said resolution at the request of the undersigned, the committee adjourned until Thursday evening, at six o'clock, and that to the surprise of the undersigned on Thursday morning, they were notified to attend a meeting of the committee at fifteen minutes before nine o'clock, and that at said meeting so suddenly called, the resolution in favor of said Marsh, and against said Beall, was adopted

by the majority without further investigation than the reading above mentioned, and without affording said Beall any opportunity of defending his rights.

All of which is respectfully submitted.

JOHN EDWARDS,
W. R. FOULKE,
JOHN STRAIN.

The question then recurring upon the adoption of the two aforesaid resolutions of the majority of the committee,

Mr. Foulke moved to amend, by striking out all after the resolving clause and substituting the following resolution:

WHEREAS, The petition of Madison Marsh, who claims to be the Representative of the district composed of the counties of Steuben and De Kalb, with certain evidence relating only to the ground of contest made by said Marsh in his notice of contest, and other documents concerning said contest, has been referred to the committee on elections of this House, with power to send for persons and papers.

And, WHEREAS, said committee in session, has had such petition under consideration and did refuse to adopt the following resolution, offered by a member of said committee, to wit:

Resolved, That Enos Beall, the Representative from the counties of Steuben and De Kalb have leave to appear before this committee, in person or by council, and answer to the petition of Madison Marsh, who claims to be the Representative of said counties; and that the Chairman furnish to the said Enos Beall copies of the petition, documents and evidence in relation to the said claim, in the possession of the committee; and that the same privilege be allowed to Madison Marsh.

By means of which rejection, the said Enos Beall is precluded from defending himself before said committee, on the ground of contest made in the notice given by said Marsh; and, whereas, the spirit of our republican institutions, and the constitution and laws of this State, require that in all cases of contested elections, the contest shall be decided in favor of the person having a majority of lawful votes in his favor; and the said Enos Beall, by his affirmation referred to said committee, has shown that he did receive a majority of votes of such lawful voters. From an opportunity to prove which, the said Enos Beall is precluded by the said decision of said committee, refusing him permission to appear before them and defend his right to his seat.

Therefore, be it Resolved, That the committee on elections give leave to Enos Beall, the Representative from the counties of Steuben and De Kalb, to appear in person or by counsel, before said committee and defend his right to his seat.

And be it further Resolved, That the said committee forthwith proceed to ascertain by competent evidence, whether said Beall or said

Marsh had a majority of the lawful votes of said district, and report the same to this House.

And on motion of Mr. Bradley,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Simonson on leave being granted, offered for adoption the following resolution:

Resolved, That the Hon. John H. Thompson, late Lieut. Governor of this State, be invited to take a seat within the bar of this House, during his visit at this place.

Mr. Brown of M., moved to amend by adding the Hon. "Wm. Hendricks" late Governor of this State ;

Which was adopted.

And before the vote was taken on the adoption of the resolution of Mr. Foulke,

On motion of Mr. Simonson,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DEC. 12, 1842.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled

No. 6—A bill to vacate the town of Frankfort, in Lagrange county;

In which the concurrence of the House of Representatives is respectfully requested;

Which was read a first time, and passed to a second reading on tomorrow.

Mr. Davis of Sullivan, on leave granted, offered for adoption the following resolution:

Resolved, That the President of the State Bank be requested to communicate to this House as early as practicable:

1st. The amount of bonds issued by the State, for the advance of

the 4th instalment of surplus revenue of the United States, yet unpaid.

2d. The amount of State stock created by such advance now belonging to the State.

3d. The amount of surplus fund contributed with such stock, when created, and

4th. What amount of such surplus fund would remain to the State if all the bonds so given, are now cancelled by the stock being applied in payment thereof;

Which said resolution was adopted.

The Speaker laid before the House a communication from the Treasurer of State, in obedience to a resolution of the House, in relation to the costs of issuing treasury notes within the last year;

Which was on motion, referred to the committee on ways and means.

The Speaker laid before the House the communication of the Branch Bank of the State Bank of Indiana at Bedford;

Which was referred to the committee of the State Bank.

PETITIONS WERE PRESENTED.

By Mr. Carter, from Z. Sutherland of Clay county, praying an allowance for services rendered on the Cross Cut Canal;

Which was referred to the committee on canals and internal improvements.

By Mr. Summers, from George E. Humricult and others of Henry county, praying the Legislature to legalize the appointment of Paul N. Harris as constable in and for Wayne township and county of Henry;

Which petition was, on motion of Mr. Lowe, laid on the table.

Mr. Brown of Rush presented the petition of Amanda Zeeks of Rush county, praying for a divorce;

Which was referred to the judiciary committee.

Mr. Osborn presented the petition of Henry Rider of Union, in relation to certain facts contained therein;

Which was referred to the committee on claims without being read.

Mr. Sluss presented the petition of Randolph Ross of Monroe county, in relation to certain facts therein contained;

Which was referred to the judiciary committee without having been read.

Mr. Brown of Marion presented the petition of T. W. Council praying an amendment of the present school laws;

Which was referred to the committee on education.

Mr. Gilbert presented the petition of William C. Harvey and others, citizens of Delaware county, praying that a divorce may be granted between Edmund Aldridge and Elizabeth his wife;

Which was referred to the judiciary committee.

Mr. Mitchell presented the petition of Wesly White and others of

Steuben county, praying the Legislature to legalize the "noncupative will" of Nancy Bixler of said county;

Which was referred to the judiciary committee.

Mr. Brown of Marion presented the petition of the Reverend Noah Packard, in these words:

To the Honorable Speaker, and

House of Representatives:

I hereby ask of your honorable body, the privilege of using the Representative Hall for a term of time, not exceeding twenty days, Thursday evenings and Sunday evenings, when not occupied by the House, for the purpose of laying before the public the belief and faith of the church of Jesus Christ of Latter Day Saints, both in regard to law and gospel. To commence on Sunday the 11th inst. at eleven o'clock, A. M.

NOAH PACKARD, Eld.

Indianapolis, Dec. 10, 1842.

Mr. Brown of M. moved to amend by striking out Thursday evening and insert Saturday evening.

Mr. Hillis moved to amend by striking out Sunday evening and inserting Saturday evening.

Mr. Edwards moved to refer the petition and amendments to the committee on military affairs;

Which motion prevailed.

The question then recurring upon the adoption of the resolutions offered by Mr. Foulke in relation to the contested seat held by Mr. Beall, asking to send for papers and testimony, &c.,

Mr. Brown of D. moved to suspend the rule of the House, in order to go through with the regular orders of the day;

Which motion did not prevail.

On motion of Mr. Clements,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Hon. Benjamin R. Edmonston, the Representative elect from the county of Dubois, appeared, produced his credentials of election and was sworn into office by the Hon. Thomas J. Henly, Speaker of the House of Representatives.

The question then recurring upon the amendment of the resolutions of the majority of the committee offered by Mr. Foulke,

Thereupon, Mr. Edmonston asked leave to be excused from voting; which was granted.

The House then proceeded to take the vote upon the adoption of said amendment; and

The ayes and noes having been demanded by Messrs. Bradley and Hawkins:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Clements, Coffin, Davis of M., Denney, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—45.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of S., Dufour, Dunn, English, Fuller, Gorman, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoupe, Simonson, Snook, Stewart, Swyhart, Wheeler, Whight, and Mr. Speaker.—52.

So said resolutions of the majority, were not stricken out.

Mr. Foulke then moved to amend said resolution as follows; by striking both of the resolutions offered for adoption by the majority of the committee, from the resolving clause, and insert the following:

Whereas, from the evidence adduced in the case, it is uncertain whether Enos Beall or Madison Marsh is legally elected to represent the counties of Steuben and DeKalb, in the present session of the General Assembly: Therefore

Resolved, That the said Beall and Marsh be requested simultaneously to resign their respective claims to said seat, and the same be declared vacant, and another election be ordered, and the whole controversy be again referred to the people of said district, to be decided by a new election;

Mr. Simonson thereupon moved the previous question ;

The question arising then was, shall the main question be put;

And the ayes and noes having been demanded by Messrs. Bradley and Thompson.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson,

English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Milliken, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swyhart, Wheeler, Whight and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson—45.

Which was decided in the affirmative.

And the question then recurring upon the adoption of the first resolution, as offered by the majority of the committee;

And the ayes and noes having been demanded by Messrs. Edwards and Tingley;

Mr. Edmonson, thereupon, asked leave of the House to be excused from voting;

Which leave was granted.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle Logan, Lowe, Major, Matheny, McCormick, Milliken, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swyhart, Wheeler, Whight and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson—45.

So said resolution was adopted.

The question then recurring upon the adoption of the second resolution as offered by the majority of said committee on elections;

And the ayes and noes having been demanded by Messrs. Davis of Sullivan and Meeker.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swyhart, Wheeler, Whight and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley Williams and Wilson—45.

So said resolution was adopted.

Madison Marsh, the contestor, then came forward and was sworn into office by the Hon. James W. Borden, President Judge of the 12th judicial circuit of the State of Indiana, and took his seat as the lawful member to the House of Representatives of the State of Indiana, from the district composed of the counties of Steuben and De Kalb.

REPORTS FROM SELECT COMMITTEES.

Mr. Jackson from the select committee to whom was referred the petition of divers citizens of Elkhart county on a subject therein named, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of citizens of Elkhart county, praying to extend to said county, the provisions of the act entitled an act to compel speculators to pay a road tax equal to that paid by actual settlers; approved January 31st, 1842, have had the same under consideration, and have directed me to report

No. 35. A bill entitled an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31st, 1842;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Hawkins from the select committee, to whom was referred the petition of Parker L. Wise and others, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Parker L. Wise and others of Adams county, praying for the extension of the provisions of an act therein named, to the county of Adams, &c., have had the subject matter of the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 36. A bill to extend the provisions of an act therein named to the counties of Jay, Adams and Blackford;

Read a first time and passed to a second reading.

Mr. Hawkins from the select committee to whom was referred the petition of Reuben W. Lewis and others, for a state road in Jay county; and Jacob H. Saunders and others, for a state road in Delaware and Jay counties, made the following report:

MR. SPEAKER:

The select committees to whom were referred the petitions of Reuben W. Lewis and others, for the location of a state road in Jay county; and Jacob H. Saunders and others, for the location of a state road in the counties of Delaware and Jay, have had the same under consideration, and have instructed me to report the following bill, and recommend its passage:

No. 37. An act appointing commissioners to locate certain state roads therein named;

Which was read a first time and passed to a second reading.

Mr. Davis of Sullivan from the select committee to whom was referred the petition of Catharine Catlin, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Catharine Catlin, have had the subject matter of the same under consideration, and instructed me to report the following bill, and recommend its passage:

No. 34. A bill for the relief of Catharine Catlin;

Which was read a first time and passed to a second reading.

And on motion of Mr. Stratton,

The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, DEC. 13, 1842.

The House met pursuant to adjournment.

Mr. Wilson, on leave granted, offered for adoption the following resolution:

Resolved, That so much of the rules of this House as requires the Journal to be read through, before members are permitted to correct errors, be so amended that any error in the Journal may be corrected at the immediate time of reading;

Which was ordered to lay over one day.

Mr. Hodges presented the petition of Andrew Weekins and others, citizens of Vigo county, praying for the appointment of a weigher and inspector of salt;

Which was referred to the select committee heretofore appointed for that purpose.

Mr. Myers, chairman of the military committee, to whom was referred the request of the Rev. Noah Packard, made the following report:

MR. SPEAKER:

The committee on military affairs, to whom was referred the communication of Noah Packard, the minister of the church of Latter Day Saints, beg leave to report:

That said communication has received their profound consideration: and that the same involves legal questions as well as questions of science and philosophy; that in tracing up the various analagous cases from the creation of Adam to the birth of Joe Smith and Mr. Miller, your committee find the decision of the Grand Turkish Vizier, Mustifarubedubkelikan of Damascus, the only one in point. Still the legality of a similar decision in this case may be questioned by the course pursued by Mrs. Joseph Smith in revealing her own *secrets*, as well as husbands to Brigadier General James Gordon Bennett of the Nauvoo Legion.

Mrs. Mustifarubedubkelikan of Damascus, in a letter to the mufti of the Turkish Empire, explains the position in which Mahommed, the great eastern prophet, was placed during his *flight to Medina*, but denies before the Reis-Effendi of the Ottoman Empire, any knowledge of the great prophet's secrets; thus you perceive by bringing on the field a heavy piece of ordinance, well charged with good sense, the position of the two cases are made to appear somewhat different.

The use of light infantry in the hands of a company of *Individual and General Justice* compels the following preamble and resolutions, to wit:

WHEREAS, various creeds, theories and vague philosophies, pregnant with good or evil, as introduced by prophets, priests and professional men, are attracting the attention of the wiseacre and the wise, the sage and the fool: AND, WHEREAS, the truth of Millerism, Latter

Day Saintism, Animal Magnetism, as well as neurology, phrenology, and other *ologises* and *isms*, be not fully established, nor its influence upon the present as well as future ages anticipated or expressed.

Be it therefore, resolved, That the communication of the minister of the church of the Latter Day Saints as referred to the committee on military affairs, be now referred to the committee on education;

Which was, on motion, referred to the committee on education.

Mr. Logan from the select committee, to whom was referred the petition of James M. Lemon, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of James M. Lemon of Washington county, have had the subject therein mentioned under their consideration, and have directed me to report the following bill, and recommend its passage:

No. 38. A bill to vacate a part of the town of Claysville;

Read a first time and passed to a second reading on to-morrow.

Mr. Tevis offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of prohibiting by penal enactment the exercise of the business of brokerage within the limits of this State, wherever the said business may be applied to the *shaving* of the bank paper of the State Bank or any other bank paper, scrip, treasury notes, or any other paper that may be in circulation and pass as money, with leave to report by bill or otherwise;

Which was adopted.

Mr. Tevis moved the adoption of the following resolution:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of so amending the charter of the State Bank of Indiana, that the directors of each branch of said bank shall loan or discount an amount in each county of the district in which it may be located, if application be made therefor, equally in proportion to the amount of taxable property in said county, taking the whole amount of taxable property in the district as the data in awarding to each county its just proportion of discounts and loans as aforesaid; and also the expediency of empowering the several boards of county commissioners in said district, to determine the solvency of the endorsers, as well as the borrower, with leave to report by bill or otherwise;

Which was read and referred to the committee on the State Bank.

Mr. Tevis offered for adoption the following resolution:

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of amending the charter of the State Bank of Indiana, so as to make the stockholders liable in their individual capacity for the amount of the liabilities of said bank, should there ever be a failure upon the part of any of the branches, to pay the amount of debts outstanding against them, or whenever they or

any of them, shall refuse to redeem their paper with gold and silver, with leave to report by bill or otherwise;

Which was read and adopted.

Mr. Hillis offered for adoption the following resolution:

Resolved, That the committee on the judiciary enquire into the expediency of providing by law, that whenever the party holding a prior judgment or execution lien, shall neglect or refuse to purchase or take at the rate fixed by law, the property levied on to satisfy his said lien. And the execution of such party, by reason thereof, shall be returned "no sale for want of bidders," it shall and may be lawful, for the party holding the next prior judgment or execution lien to take the said property at the rate aforesaid, and to hold the same free from all such prior lien;

Which was read and adopted by consent.

Mr. English offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so changing the mode of doing probate business, that probate circuits be organized throughout the State: *Provided*, the expense attending the same, will not greatly exceed that incurred by the present system;

Which was read and adopted.

On motion of Mr. Myers,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue laws as to appeal the additional 25 per cent. now authorized to be charged on the unpaid taxes of 1841; which was read and adopted.

On motion of the same gentleman,

Resolved, That the same committee be instructed to enquire into the expediency of postponing by law the sales of lands on amount of unpaid taxes to some day after the adjournment of the present session;

Which was also adopted.

On motion of Mr. Stratton,

Resolved, That the Auditor of State report to this House a full and complete statement of the amount of money drawn from the State treasury, by William J. Brown, late State librarian, for the purchase of books &c., for the State library, shewing the amount of each year's transaction, separately, and the true condition of his account up to this date as such librarian.

On motion of Mr. Matheny,

Resolved, That the House will on Thursday next, the 15th instant at 2 o'clock, P. M. with the concurrence of the Senate, proceed to the election of the various judicial officers, whose terms expire during the present session.

Mr. Hodges moved to amend by striking out Thursday, and inserting to-day at 2 o'clock, P. M.

Mr. Simonson moved to lay the resolution and amendment on the table;

Which motion was lost.

Mr. Gorman moved to amend by inserting to-morrow at 2 o'clock, P. M.;

Which amendment was accepted by the mover of said resolution.

Mr. Lowe moved to amend by striking out 2 o'clock, P. M. and inserting 10 o'clock, A. M.;

Which motion did not prevail.

The question then recurring on the adoption of the resolution as amended; was decided in the affirmative.

Mr. Shoup offered for adoption the following resolution:

Resolved, That the public printer be directed to print and lay before the members of this House three hundred copies of the report of the majority and the minority of the standing committee on elections, together with all the accompanying testimony in the case of the contested seat of Enos Beall.

Mr. Wilson moved to amend by adding "and, also, the action of the House, had in that matter up to the final determination;"

Which amendment was accepted by the mover, and the resolution as amended, was then adopted.

On motion of M. Millikin,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road law, that the supervisors of roads have the power to collect the tax levied by the boards doing county business for road purposes, when it is not paid in work, and lay the same out on the roads of their respective districts;

Which was read and adopted.

On motion of Mr. Bowers,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of making prosecuting witnesses in State cases, liable for costs, in case conviction is not obtained, and report by bill or otherwise;

Which was read and adopted.

On motion of Mr. Johnson,

Resolved, That the committee on the State Bank be instructed to enquire into the expediency of so amending the charter of the State Bank, as to authorize the several branches to receive in payment of their debts, the stock of individual stock holders;

Which was read and adopted.

On motion of Mr. Moore of O.,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reducing the interest on the sinking fund, and the surplus revenue to six per cent, with leave to report by bill or otherwise.

On motion of Mr. Claypool,

Resolved, That the committee on the judiciary be directed to enquire into the propriety of making it an indictable offence, and punishable by confinement in the State Prison, for any officer of this State, who has the care of public funds to refuse to account for the same as directed by law, when legally called upon.

Mr. Williams offered for adoption the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing so much of an "act abolishing imprisonment for debt;" approved January 15th, 1842, as requires the plaintiff to make and file an affidavit where special bail is required.

Mr. Gorman moved to indefinitely postpone said resolution;

The ayes and noes having been demanded by Messrs. White and Gorman;

Said resolution was indefinitely postponed by the following vote:

Those who voted in the affirmative were,

Messrs. Baker, Brown of R., Brown of White, Butler of R., Butler of V., Butterfield, Campbell, Carter, Chrisman, Clements, Coffin, Cooly, Davis of Sullivan, Denny, Dufour, Dunn, English, Flannegan, Fuller, Goodenow, Gorinan, Hardin, Hawkins, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Major, Marsh, Marvin, Matheny, McCormick, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, O'Neal, Osborn, Patrick, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Simonson, Sluss, Snook, Steele, Stewart, Strain, Tevis, Thompson, Tingley, Whight and Wilson—69.

Those who voted in the negative were,

Messrs. Balés, Bowers, Bradley, Brown of D., Brown of Marion, Claypool, Cuppy, Davis of Madison, Edwards, Foulke, Francis, Gilbert, Hargrove, Hiatt, Johnson, Lowe, Mathers, Norvell, Parker, Shelby, Shoup, Stratton, Summers, Sumner, Swyhart, Wheeler, Williams and Mr. Speaker—28.

So said resolution was indefinitely postponed.

On motion of Mr. Clements,

Resolved, That the committee of ways and means enquire into the expediency of repealing an act entitled an act for the election of county assessors; approved February 10, 1841; and to provide for the election of township assessors, whose duties shall be to meet the people of their respective townships at some central place, and there receive a list of their taxable property, and that they report by bill or otherwise.

On motion of Mr. Steele,

Resolved, That the committee on the judiciary enquire into the expediency of making a general law in this State with regard to the weight of barrel salt, so as to require the vendor to weigh, instead of selling the article at lick weight, or subject himself to a fine, unless the purchaser agreed to take the article at lick weight.

Mr. Meeker offered the following resolution:

Resolved, That the committee on ways and means be instructed to enquire into the expediency of making bank and State scrip receivable for interest on Wabash and Erie canal lands.

Mr. McCormack moved a change of reference to the committee on canals and internal improvements;

Which motion prevailed and the resolution adopted.

On motion of Mr. Jackson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill to repeal that part of the law of general elections, that provides, that in case two or more persons shall have the highest and equal number of votes for Senator or Representative in the State Legislature, then the judges and clerks, or sheriffs, (as the case may be,) shall determine by lot which is elected, and provide that in all cases where two or more shall have an equal number of votes for either Senator or Representative, that there shall be another election ordered immediately, to fill the vacancy.

On motion of Mr. Cooley,

Resolved, That the judiciary committee be requested to so amend the trespass law, as to require any person or persons, claiming the right of title, or soil, before any justice of the peace in this State, shall so claiming, be required to claim under oath.

On motion of Mr. Leyman,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of reducing the tolls on the Wabash and Erie canal, with leave to report by bill or otherwise.

Mr. Summers offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the present execution laws, as to allow of but one execution to issue from the circuit or probate courts, or from justices of the peace in one year, except at costs of the plaintiff.

And on the question, shall the resolution be adopted?

The ayes and noes being demanded by Messrs. Robinson and Nees, were as follows:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of M., Davis of S., Denney, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goode now, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Logan, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peake, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoupe, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Swyhart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—95.

Those who voted in the negative were,

Messrs. Cuppy, and Robinson.—2.

So said resolution was adopted.

On motion of Mr. Logan,

Resolved, That the committee on education be instructed to enquire into and report by bill or otherwise, what amendments are necessary to be made to the fourteenth chapter of the school laws, so as more effectually to secure to the weak districts their due proportion of the school funds.

On motion of Mr. Denney,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill to this House requiring all state bonds, when redeemed, to be filed in the office of the Treasurer of State, there to be counted, examined and cancelled; with leave to report by bill or otherwise.

On motion of Mr. Jones,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill making it the duty of county assessors to assess and appraise all real estate in their respective counties at the time they assess personal property, disregarding the appraisement heretofore made by the special appraiser appointed for that purpose.

On motion of Mr. Gorman,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so providing by law, that in the apportionment the county of Brown alone shall have the floating members, between the counties of Lawrence, Monroe and Brown, as now is apportioned to the two latter counties, and into the constitutionality of the same, and report by bill or otherwise.

Mr. Brown of M., moved to change the reference to the committee on elections;

Which motion prevailed, and the resolution was adopted.

On motion of Mr. Carter,

Resolved, That the auditor of public accounts be requested to communicate to this House the amount now due, and that will become due for the year 1842, 1843 and 1844, as principal for lands sold for the construction of the Wabash and Erie Canal east of Tippecanoe; also, the amount of annual interest payable on said lands; also, the amount of canal certificates issued for the construction of the canal east of Tippecanoe, yet unredeemed, commonly called "White Dog."

On motion of Mr. Carter,

Resolved, That the committee on canals and internal improvements enquire into the expediency of paying John Shults the sum of one hundred dollars in scrip, issued by the commissioner of the Wabash and Erie Canal east of Lafayette, in satisfaction of a judgment obtained by said Shults, against the State of Indiana, at the March term

(1842) of the Cass circuit court, for materials taken from the lands of said Shults, in the construction of the Wabash and Erie Canal.

On motion of Mr. Rose,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the present law, that in all judgments obtained upon open or running accounts of a sum not exceeding five dollars, the costs be taxed against the plaintiff, except in cases where a demand has been made for the same either by the plaintiff or his agent.

Mr. Moore of Owen offered the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of repealing so much of the execution law; approved January 8, 1842, as makes it the duty of the officers to sell property for State's fine, for what it will bring;

Mr. Davis of S., moved to change the reference to the committee on the judiciary;

Which motion prevailed;

Said resolution was not adopted.

Mr. Lingle offered the following resolution:

Resolved, That this House will (the Senate concurring therewith) adjourn *sine die* on the first Monday of February next;

Mr. Whight moved to amend by striking out 1st day of February, and inserting 30th day of January;

Mr. Brown of M., moved to lay on the table;

Which motion prevailed.

On motion of Mr. Carter,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the law allowing Sheriffs a *per centum* or poundage on sale of real estate on execution, in all cases where the execution creditor becomes the purchaser, or in cases where the purchase money is not paid.

BILLS INTRODUCED,

By Mr. Whight; No. 39. An act to amend an act, entitled "an act to amend an act entitled an act for the relief of the securities of certain officers; approved February 1, 1834, approved February 7, 1835;"

Read a first time and passed to a second reading on to-morrow.

By Mr. Davis of S.; No. 40. "A bill amendatory of the law regulating general elections;"

Read a first time and passed to a second reading on to-morrow.

By Mr. Tevis; No. 41. "A bill for the relief of the people of Indiana;"

Read a first time and passed to a second reading on to-morrow.

By Mr. Wheeler; No. 42. "A bill to repeal a certain act therein named, so far as the same extends to the county of Marshall;"

Read first time and passed to a second reading on to-morrow.

By Mr. Roberts; No. 43. "An act defining the manner of selecting petit jurors in Putnam county;"

Read first time and passed to a second reading on to-morrow.

By Mr. Strain; No. 44. "A bill relative to summoning jurors in Vigo county;"

Read first time and passed to a second reading on to-morrow.

By Mr. Myers; No. 45. "An act to amend the law relative to executions;"

Read a first time and passed to a second reading on to-morrow.

By Mr. Claypool; No. 46. "A bill to regulate the summoning and empanneling grand and petit jurors in the county of Fayette;"

Read first time and passed to a second reading on to-morrow.

By Mr. Cuppy; No. 47. "A bill to extend the privileges of the valuation laws, to administrators and guardian's sales of real estate;"

Read first time and passed to a second reading on to-morrow.

By Mr. Francis; (on leave granted) No. 48. "A joint resolution relating to the construction of a harbor at Michigan city;"

Read first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

The first thing in the orders of the day was,

No. 24. "A bill to regulate the interest upon money;"

Read a second time and referred to the judiciary committee.

No. 25. "A bill to amend an act entitled an act, supplemental to an act entitled an act subjecting real estate to execution; approved Feb. 10, 1842, approved Jan. 8, 1842;

Read a second time and referred to the judiciary committee.

No. 26. A bill repealing an act applying certain funds to purposes of education.

Mr. Simonson moved to refer to the committee of the whole House; Which motion was not agreed to.

Mr. Moore of O. moved to refer to committee on education; when, on motion of Mr. Whight, the whole subject was laid on the table.

No. 27. A bill relating to the summoning of petit jurors in Sullivan county;

Read a second time.

Mr. Davis of M. moved to amend by adding "Madison county;"

Agreed to.

Mr. Moore of O. moved to add "Owen county;"

Consented to.

Mr. Bales moved to amend by adding "Vermillion county;"

Agreed to.

Mr. Stratton moved to refer the bill to the judiciary committee, with instructions to report a general law; when,

On motion of Mr. Logan,

The whole matter was laid on the table.

No. 28. A bill to legalize the districting of the county of Daviess into commissioner's districts, &c.

Read a second time and ordered to be engrossed.

No. 30. A bill for the repeal of the proviso to the 17th section of an act entitled an act pointing out the mode of levying taxes; approved February 12, 1842;

Read a second time and referred to a select committee of Messrs. Shoupe, Rich and Jones.

No. 31. A bill in relation to the town of Laport;

Read a second time and referred to the committee on corporations.

No. 32. A bill in relation to the Jeffersonville and Crawfordsville turnpike road;

Read a second time and referred to a select committee of Messrs. Simonson, Logan, Norvell, Gorman, Roberts, and Baker.

No. 33. An act supplemental to an act prescribing the duties of county treasurers, approved February 12th, 1841;

Read second time and referred to committee of ways and means.

No. 6. Engrossed bill No. 6 of the Senate, "a bill to vacate the town of Frankfort, in Lagrange county, was taken up,

Read a second time and ordered to a third reading on to-morrow.

No. 34. A bill for the relief of Catharine Catlin;

Read a second time and ordered to be engrossed.

No. 35. A bill to extend in part, the provisions of an act to compel speculators to pay a road tax equal to that paid by actual settlers, to the county of Elkhart;

Read a second time and referred to committee on roads.

No. 36. An act to extend the provisions of an act therein named, to the counties of Jay, Adams and Blackford;

Read second time and referred to the committee on roads.

No. 37. An act appointing commissioners to locate certain state roads therein named;

Read a second time and referred to the committee on roads.

BILLS ON THIRD READING.

No. 3. A joint resolution in relation to the bankrupt law.

Mr. Tingley moved to refer the resolution to the committee on federal relations, with the following instructions:

To so amend said joint resolution as to instruct our Senators and request our Representatives in Congress, to vote for a law repealing the voluntary clause of the general bankrupt law, unless by consent of two-thirds of the creditors of the debtor, and include within the provisions of said bankrupt law, all corporations. Said amendments to take effect and be in force from and after the 4th of July, 1843.

That in case of the repeal it shall be so enacted, as not to effect any person who has previously applied to the proper authorities, from receiving a regular discharge, as now provided;

Which was accepted by the mover.

Mr. Foulke moved to strike out "instruction" and insert "request;"

Which was also accepted.

The question then recurring upon the recommitment of the joint

resolution, with the amendment to the committee on federal relations and the ayes and noes having been demanded by Messrs. Edwards and Huckaby:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Carter, Claypool, Clements, Coffin, Cuppy, Davis of M., Denney, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Montague, Parker, Patrick, Real, Shelby, Steele, Strain, Sumner, Tevis, Thompson, Tingley, Williams, and Wilson.—41.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Butler of R., Campbell, Chrisman, Cooley, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Johnson, Jones, Lewis, Lingle, Logan, Major, Marsh, Matheny, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Stratton, Summers, Swyhart, Wheeler, Whight, and Mr. Speaker.—50.

Mr. Clements moved to amend as follows:

Strike out all that part which relates to the repeal of the bankrupt law, and insert, to change and modify said law so that it shall include corporations.

Mr. Rich asked leave of the House to change his vote from the affirmative to the negative, on the vote just taken on the recommitment of the bill with instructions;

Which leave was granted.

Mr. Stratton moved to lay the joint resolution, with amendments, on the table;

Which was not agreed to.

The question then recurring on the adoption of the amendments offered by Mr. Clements, and

The ayes and noes having been demanded by Messrs. Gorman and Davis of Sullivan:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butterfield, Clements, Coffin, Flannegan, Francis, Goodenow, Hiatt, Hodges, Lee, Leslie, Marvin, Mathers, Patrick, Rich, Shelby, Steele, Strain, Tevis, Thompson, Tingley, and Wilson.—24.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Bown of M., Brown of R., Butler of R., Butler of V., Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Davis of M., Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, English, Foulke, Fuller, Gilbert, Gorman, Hardin, Hargrove, Hawkins, Huckaby, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormack, Meeker, Millikin, Montague, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peake, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Stewart, Stratton, Summers, Sumner, Swylart, Wheeler, Whight Williams, and Mr. Speaker.—71.

So said resolution was not recommitted.

Mr. Wilson moved to indefinitely postpone the whole subject matter, and

The ayes and noes having been demanded by Messrs. Gorman and Brown of Marion:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butterfield, Carter, Clements, Coffin, Cuppy, Davis of M., Edwards, Flannegan, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Montague, Parker, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Sumner, Tevis, Thompson, Tingley and Wilson.—35.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Butler of R., Butler of V., Campbell, Claypool, Cooley, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Francis, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Stewart, Summers, Swyhart, Wheeler, Whight, Williams and Mr. Speaker.—58.

Which motion did not prevail.

Mr. Tevis moved that the House adjourn until 2 o'clock, P. M.;

Which motion did not prevail.

The question then recurring upon the final passage of the bill, and

The ayes and noes having been demanded by Messrs. Gorman and Tevis:

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Campbell, Chrisman, Claypool, Cooley, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Summers, Swyhart, Wheeler, Whight, Williams and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butterfield, Carter, Clements, Coffin, Cuppy, Davis of M., Edwards, Flannegan, Foulke, Francis, Gilbert, Goode-now, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers Meeker, Montague, Parker, Patrick, Rich, Shelby, Steele, Strain, Stratton, Sumner, Tevis, Thompson, Tingley, and Wilson.—36.

So said joint resolution passed;

Ordered, That the clerk inform the Senate thereof.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

No. 15. An act concerning a certain estate without known heirs;
Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 18. An act for the relief of Catharine Melville;

Read a third time and passed.

No. 22. An act for the relief of Reuben Main;

Read a third time and passed.

The House then resolved itself into a committee of the whole on bill No. 19, Mr. Lowe in the Chair.

Made several amendments; the committee rose, and the Chairman asked the House to concur in the amendments;

Which were concurred in by the House.

Mr. Bradley moved to refer the bill, with amendments, to the committee of ways and means.

Mr. Simonson moved to instruct the committee as follows:

It shall be the duty of the several assessors in this State, to make an enumeration of all persons between the ages of five and twenty-

one years, and return the same to the school commissioner, at the time he makes his return to the board doing county business.

The question then recurring upon the motion to recommit the bill to the committee of ways and means;

Which was consented to.

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DEC. 14, 1842.

The House met pursuant to adjournment.

Mr. Myers asked and obtained leave to record his vote.

Mr. Gorman, on leave granted, offered for adoption the following resolution:

Resolved, That there be appointed a committee to consist of seven members, to act as a joint committee on revision, with a similar committee on the part of the Senate.

Mr. Bradley moved to amend by striking out "joint committee" and inserting judiciary committee;

Which was so amended.

Mr. Gorman, one of the judiciary committee, thereupon asked the House to excuse him from serving on said committee.

Which was not agreed to.

The Speaker laid before the House the following communication, from His Excellency, Samuel Bigger, the Governor.

EXECUTIVE DEPARTMENT, }
December 14, 1842. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—I have just been informed that Wm. T. T. Jones and George P. Buel, Esquires, have resigned their offices as Directors of the State Bank of Indiana. You will please communicate the fact of these resignations to the House of Representatives.

I am sir, most respectfully yours, &c.,

SAMUEL BIGGER.

The Speaker then laid before the House a communication from the Hon. Samuel Merrill, President of the State Bank of Indiana, in answer to resolution of this House;

Which was read and referred to the committee of ways and means.

The Speaker laid before the House the reports of the Evansville and Lawrenceburgh Branch Banks, of the State Bank of Indiana;

Which were on motion, referred to the committee on the State Bank.

The Speaker laid before the House a report from the Hons. Samuel Bigger and George H. Dunn, in relation to the revision of the general laws of the State of Indiana, together with the accompanying papers;

Which were referred to the judiciary committee.

The House took up the resolution of the Senate, fixing the time of going into an election of a United States Senator;

Mr. Davis of Sullivan thereupon moved to amend said resolution by striking out "Friday" and inserting "Thursday;"

Which amendment was agreed to.

The House then took up the resolution of yesterday as offered by Mr. Wilson;

Which was adopted.

BILLS OF THE SENATE WERE THEN TAKEN UP.

Bill No. 5. "An act legalizing the publication of the delinquent list in Delaware county;"

Which was read a first and second times and ordered to a third reading.

No. 9. "An act to confine a title to certain lands in certain heirs and devisees;"

Read a first time and passed to a second reading on to-morrow.

No. 13. "A bill to authorize the commissioners of Ripley county to pay the associate judges of said county, for services as probate judges;"

Read a first time and passed to a second reading on to-morrow.

Mr. Norvell moved to reconsider the vote of the House, taken on the adoption of the resolution offered by Mr. Gorman, and amended by Mr. Bradley;

Which motion prevailed.

The question then recurring upon the adoption of the amendment as proposed by Mr. Bradley;

Which was not adopted.

Mr. Logan moved to strike out "seven" and insert "ten;"

Which motion prevailed.

The question then recurring on the adoption of the resolution as amended;

Which was agreed to.

PETITIONS WERE PRESENTED.

By Mr. Robinson of citizens of Tippecanoe county, praying that a certain territory therein named, might be attached to the county of Carrol.

Mr. Shelby moved to lay said petition on the table;

Which motion did not prevail;

Which was then on motion, referred to a select committee of Messrs. Robinson, Bradley, Carter, Leyman and Foulke;

Thereupon Mr. Brown of M., moved a reconsideration of the question ;

Which prevailed.

Then the question recurring shall said petition lay upon the table ;

Which was decided in the affirmative.

So said petition was laid on the table.

By Mr. Robinson of citizens of Carroll county, asking that a new county as therein set forth, might be established, &c.;

Which was referred to a select committee of Messrs. Carter, Bradley, Leyman, Robinson and Foulke.

By Mr. Shoup of John M. Johnson and others, securities of Elisha Long, deceased, late treasurer of Franklin county, for relief ;

Which was referred to a select committee of Messrs. Shoup, Cooley, Brown of D., Meeker and Tingley.

By Mr. Hawkins of citizens of Adams county, asking that "improvements on lands may be exempt from taxation ;"

Which was referred to the committee on ways and means.

By Mr. Lingle of citizens of Orange county, concerning purchasers of Saline lands in French Lick reserve, and asking relief ;

Which was referred to a select committee of Messrs. Lingle, Moore of F. and Clements.

By Mr. Carter of Jacob Bookwater, for a special law that the said Bookwater may file his petition in the Cass circuit court for a divorce, &c. ;

Which was referred to a select committee of Messrs. Carter, Robinson and Shelby.

By Mr. Brown of M., of William B. Pearson, praying that he may be divorced ;

Which was referred to the judiciary committee.

By Mr. Fuller of citizens of Warrick county, asking that the prosecuting attorney have authority and requiring him to enter a *nolle prosequi* on an indictment preferred against sundry officers in said county, &c. ;

Which was referred to a select committee of Messrs. Fuller, Whight and Simonson.

By Mr. Robinson of John Brookbank, asking that an act might be passed confirming to him and his heirs the title of certain lands therein named ;

Which was referred to the judiciary committee.

Reports were then made from standing and select committees:

Mr. Davis of S., chairman of the committee of ways and means made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred a resolution of this House, directing them to enquire into the expediency of so amending the revenue law, as to exempt all improvements on land for agricultural purposes from taxation until such improvements shall exceed five hundred dollars in value; have had the same under consideration and have directed me to report that it is inexpedient to legislate upon that subject at present, and ask to be discharged from the further consideration of it;

Which report was concurred in and committee discharged.

The same gentleman, from the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred a resolution of this House, directing them to enquire into the expediency of so amending the law "pointing out the mode of levying taxes," as to require the resident tax payers to meet the assessor in each of the several townships, on a day to be fixed by such assessor, have had the subject under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same;

Which report was concurred in, and the committee discharged.

The same gentleman, from the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred a petition of sundry citizens of Clinton county, asking that property should be exempt from taxation unless the improvements on such property should amount in value to more than two hundred dollars, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from its further consideration;

Which report was concurred in, and the committee discharged.

Mr. Whight a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a resolution of the House, instructing them to enquire into the "expediency of so altering the revenue law, as to require townships to elect their own assessors and collectors," have, according to order, had the subject un-

der consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and beg leave to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Dufour as a member of the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution of this House, requesting them to enquire into the propriety of printing two thousand copies of the laws of Indiana in the German language, so as to place two copies in each township in the State; have had the same under consideration, and have instructed me to report, that in the opinion of the committee, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Also, the same gentleman, from the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution of this House, requiring said committee to examine into the expediency of amending the revenue law, so far as it relates to county auditor, (by abolishing said office of county auditor,) have had the same under consideration, and have instructed me to report, that in the opinion of the committee, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Williams a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of this House, on the subject of extending the time of returning the delinquent list, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred the petition of sundry citizens of Laporte county, praying the abolition of capital punishment, have had that subject under consideration, and have directed me to report, that in the opinion of said committee, it is inexpedient to legislate upon the subject at this time ;

Which report was concurred in, and the committee discharged.

Mr. Tingley a member of said committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the resolution of the House, "enquiring into the expediency of repealing the law giving further stay of execution, where specie is demanded;" have had the same under consideration, and instructed me to report it inexpedient to legislate on that subject, and ask to be discharged from the further consideration of said subject ;

Which report was concurred in, and the committee discharged.

Mr. Rich a member of the same committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution, No. 8, instructing them to inquire into the expediency of so amending the existing laws that in all cases where the plaintiff recovers no more than the defendant offers to confess for, that the additional accruing costs in consequence of such prosecution exceeding what would have accrued in case of confession, be at the cost of the plaintiff, have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee discharged.

Mr. Robinson, a member of the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred a resolution of this House relating to marriage license, have directed me to report the following bill:

No. 49. A bill to abolish fees paid for marriage license;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Davis of Madisen, a member of same committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the memorial of Randolph Ross, praying for an amendment of the appraisement law, relating to property taken in execution, so that if an officer holding an execution have levied upon the property, fixture and appurtenances belonging to *iron business*, he shall be compelled to select persons having certain qualifications to appraise said property, have had the same under consideration and have instructed me to report "legislation upon that subject to be inexpedient," and ask to be discharged from any further consideration thereof.

Mr. Gorman thereupon moved to recommit said memorial to a select committee;

Which motion prevailed.

The Speaker announced the following said committee:

Messrs. Gorman, Jones and Sluss.

Mr. Davis of M., a member of same committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the memorial of Nicholas Yount and others, praying an act to be passed sitting aside a certain conveyance therein mentioned, have had the same under consideration and have instructed me to report it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee discharged.

Mr. Matheny, a member, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution relative to the execution law, have had that subject under consideration and have directed me to report it back and recommend its indefinite postponement:

Which report, on motion of Mr. Whight, was laid on the table.

Mr. Swyhart, from the select committee to whom was referred the memorial of Benjamin H. Scott, made the following report:

MR. SPEAKER:

The select committee to whom was referred the memorial of Benjamin H. Scott, clerk of the *Miami* circuit court, in relation to the charges contained in the report of a committee of the last Legislature, charging said Scott with malfeasance in office—the committee have had the same under consideration and directed me to report that they have had evidence before them showing conclusively that the malfeasance in office, charged in the report of the committee against

said Scott, was given in special charge to the grand jury at the last March term of the Miami circuit court; that three indictments for official negligence, two for extortion, and one for offence against revenue, were preferred against said Scott, on which he was arraigned, tried, and acquitted, by a jury of said county. The foreman of said grand jury was before the committee, and testified under oath, that on all the other charges contained in said report, the grand jury, after a thorough investigation of those charges, were unable to prefer any indictments against said Scott.

The committee, after a careful and thorough investigation of the testimony produced before them, have come to the unanimous conclusion, that the charges contained against said Scott, in the report of the committee of the last Legislature, were erroneous in every particular; and we find that the said Scott stands wholly acquitted of every charge which would derogate from his character as a correct, faithful, and efficient officer.

GABRIEL SWIHART
C. CARTER,
A. S. ROBINSON,
A. CUPPY,
WM. PRILLIMAN.

Mr. Mitchel from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Jacob Wagner and others, in relation to a state road from Northport in Noble county to Angola in Steuben, have had that subject under consideration and directed me to report the following bill:

No. 50. An act to vacate a portion of a certain state road;
Read a first time and passed to a second reading on to-morrow.

RESOLUTIONS WERE THEN ADOPTED.

On motion of Mr. Logan,

Resolved, That the committee on military affairs be instructed to enquire into the expediency of making it the duty of every white male person over the age of eighteen and under forty-five years of age, be required to perform military duty four days in each year, to wit: A company muster in the month of April, one battallion muster in the month of May, a company muster in the month of September, and a regimental muster in the month of October, with leave to report by bill or otherwise.

On motion of Mr. Edwards,

Resolved, That a select committee be appointed to report a joint resolution, memorializing Congress relative to the navigation of the western rivers.

Messrs. Huckaby and Edwards were appointed said committee.

On motion of Mr. Norvell,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the act in regard to crimes and punishments, as to give justices of the peace concurrent jurisdiction with the circuit court in assessing fines and penalties in all cases of violation of the criminal law, in regard to vending spirits without license, foreign merchandise, card playing, betting on elections, and horse racing, where the amount lost or won does not exceed twenty dollars.

Mr. Bowers moved to amend by striking out "concurrent" and insert exclusive;

Which was agreed to.

On motion of Mr. Hawkins,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of compelling by law, the treasurers of the various counties in this State, in all their settlements, to account for and pay over the same funds by them collected, and report by bill or otherwise.

On motion of Mr. Brown of R.,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the collection of fines assessed by the State, that State scrip shall be receivable in all such cases, with leave to report by bill or otherwise.

On motion of Mr. Millikin,

Resolved, That the committee of ways and means be instructed to examine the bonds received by the Treasurer of State of the Lawrenceburgh and Indianapolis railroad company, and ascertain, if possible, whether they are such bonds as the law provides that the company may pay their debt to the State in.

On motion of Mr. Moore of O.,

Resolved, That the committee on public expenditures be instructed to report a bill making it the duty of all officers of this State, to make out their fee bill before they shall be entitled to their fees, with leave to report.

Mr. Hardin offered the following preamble and resolution:

WHEREAS, The subject of common schools is one of no ordinary importance to the State of Indiana; AND, WHEREAS, the present and pre-existing laws have never met the approbation of the people of this State generally; therefore,

Resolved, That the committee on education be instructed to examine the present and previous laws on this subject, and if in their judgment, it shall appear necessary to report a bill embracing such parts of said laws with such additions as their wisdom may suggest, adapting the same to the capacity of the people.

On motion of Mr. Davis of S.,

Resolved, That the judiciary committee be instructed to enquire into the expediency of providing by law, that the sheriffs of the respective counties in this State shall not be confined to the township

in the selection of appraisers of property where persons *qualified* to make such appraisement cannot be obtained.

Mr. Shoupe moved to amend by affixing a penalty in case of non-performance;

Which was consented to.

On motion of Mr. Clements,

Resolved, That the committee on canals and internal improvements enquire into the expediency of reducing the tolls on the New Albany and Vincennes road; and also, of providing for opening of the same, from Paoli to Mt. Pleasant.

Mr. Jackson offered the following preamble and resolution:

WHEREAS, There are conflicting opinions with regard to the true meaning of that part of the 2d section of the act regulating decent distribution and dower, approved February 17th, 1838, that provides where a person dies, having no children, nor father, then one-half of their estate, shall go the mother, and the other be equally divided among the brothers and sisters, or their descendants, whether it means minors as well as persons of lawful age; therefore,

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill more particularly to explain that part of the said second section of the aforesaid act.

Mr. Rose offered for adoption the following resolution:

Resolved, That a select committee be appointed to make enquiry, and as soon as practicable report to this House, the condition of the White River bridge, on the Michigan road, the amount expended on the said bridge by Mr. Andrew Wilson, the contractor for the completion of the same, the amount of toll receipts; and also whether he, the said Wilson, has fulfilled the stipulations of the law on that subject.

Mr. Brown of M. moved to amend by authorizing said committee to send for papers and persons;

Which was agreed to.

On motion of Mr. Moore of O.,

Resolved, That the committee on public expenditures be instructed to enquire into the expediency of repealing the county board of equalization, with leave to report by bill or otherwise.

Mr. Bradley offered the following resolution:

Resolved, That the committee of ways and means be instructed to report to this House a bill limiting the powers of county commissioners in the assessment of taxes, so that no levy shall be made in any one year in any county, of greater amount than 30 cents on the \$100, unless the same shall be increased by a vote of the people of the county, to be previously taken at an annual general election.

Mr. Hillis moved to strike out 30 and insert 10;

Which motion did not prevail.

Mr. Stratton moved to amend by striking out the compulsory part of said resolution;

Which motion did not prevail.

Mr. Whight moved to amend, by inserting after the words \$100, "or fifty cents on the poll;"

Which motion prevailed and said resolution adopted.

On motion of Mr. O'Neal,

Resolved, That the committee on roads be instructed to enquire into the expediency of repealing so much of the road laws as requires the supervisors to cause to be worked out all the labor for personal privileges, between the 15th of May and the 1st of July in each year and every year, so that said labor may be worked out at any time within the year, and that they report by bill or otherwise.

JOINT RESOLUTIONS.

Mr. Hardin introduced joint resolution,

No. 51. A joint resolution in relation to the postage on newspapers, pamphlets, &c.

Mr. Tingley moved to amend by adding "let write on the envelope;" Which was not agreed to.

Butler of V. moved to amend "by reducing letter postage;"

Which motion did not prevail.

The question then recurring upon the adoption of the joint resolution;

Which was ordered to be engrossed.

BILLS INTRODUCED.

By Mr. Brown of M.:

No. 52. A bill to provide for the reception of certain treasury notes for State dues;

Which was read a first and second time and referred to the committee of ways and means.

And on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Davis of Sullivan, moved to reconsider the vote taken on the adoption of the resolution of the Senate, fixing the time of going into an election of a United States Senator;

And the ayes and noes having been demanded by Messrs. Tingley and Edwards.

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of D., Brown of Marion, Brown of R., Brown of White, Butler of R., Campbell, Carter, Cooley, Cuppy, Da-

vis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorinan, Hardin, Hillis, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Real, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Summers, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butterfield, Claypool, Clements, Coffin, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Huckaby, Hodges, Lee, Leslie, Logan, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Proctor, Rich, Shelby, Strain, Stratton, Sumner, and Wilson—32.

So said vote was reconsidered, and on motion the resolution as amended laid on the table.

On motion of Mr. Lowe,

Resolved, That the Senate be invited to attend *instanter* in the Hall of the House of Representatives, to proceed to the election of certain judicial officers, whose terms of service expire during the present session of the General Assembly; and that seats be provided for them on the right of the Speaker's chair;

The Senate then came into the House and took their seats on the right of the Speaker's chair, the President of the Senate on right of the Speaker, when the two Houses proceeded by joint ballot to elect a president judge of the fifth judicial circuit, when on counting the first ballot, it appeared that

William J. Peasley received	-	-	-	78 votes.
William Quarles	"	-	-	24 "
Fabius M. Finch	"	-	-	32 "
James B. Ray	"	-	-	12 "

William J. Peasley having received a majority of all the votes given, was by the President of the Senate declared duly elected president judge of the fifth judicial circuit, for the term of seven years.

The two Houses then proceeded in like manner to the election of a prosecuting attorney for the second judicial circuit, when on counting the first ballot, it appeared that

William A. Porter received	-	-	-	50 votes.
Andrew C. Griffith	"	-	-	55 "
C. T. Hensley	"	-	-	2 "
Thomas J. Throop	"	-	-	39 "
Scattering	-	-	-	1

No person having received a majority of all the votes given, the two Houses proceeded in like manner to a second balloting, when

William A. Porter received	-	-	-	59 votes.
Andrew C. Griffith	"	-	-	54 "

Thomas J. Throop	"	-	-	-	31	"
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C. T. Hensley	"	-	-	-	3	"
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No person having received a majority of all the votes given, the two Houses in like manner proceeded to a third balloting, when

William A. Porter received	-	-	-	63	votes.
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Andrew C. Griffith	"	-	-	-	63	"
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Thomas J. Throop	"	-	-	-	15	"
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C. T. Hensley	"	-	-	-	1	vote.
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No person having received a majority of all the votes given, the two Houses proceeded in like manner to a fourth balloting, when

William A. Porter received	-	-	-	65	votes.
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Andrew C. Griffith	"	-	-	-	67	"
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Thomas J. Throop	"	-	-	-	15	"
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No person having received a majority of all the votes given, the two Houses proceeded in like manner to a fifth balloting, when

William A. Porter received	-	-	-	75	votes.
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Andrew C. Griffith	"	-	-	-	69	"
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Scattering	-	-	-	-	3	"
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William A. Porter having received a majority of all the votes given, was declared duly elected prosecuting attorney for the second judicial circuit of the State of Indiana, for two years from this date,

When the President of the Senate adjourned the convention until ten o'clock to-morrow morning;

The Senate then retired from the Hall of the House.

On motion,

The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING, DEC. 15, 1842.

The House met pursuant to adjournment.

Mr. Edmonson moved to refer the report and accompanying papers, as made on yesterday by the Hons. Samuel Bigger and George H. Dunn, in relation to the revision of the General Laws of the State of Indiana, to a select judiciary committee;

Which was so referred.

The Speaker laid before the House a report from the Auditor of State, which was made in obedience to a resolution of this House, in relation to the bonds of the Wabash and Erie Canal;

Mr. Carter moved to lay it on the table, but before that motion was put, Mr. Lowe moved to refer the said report to the committee on ways and means.

Mr. Bradley presented the following protest, which was ordered to be spread upon the Journal, to-wit:

The undersigned, members of the House of Representatives, solemnly protest for themselves and their constituents, against the action of the House of Representatives in ejecting Enos Beall, the member elect from the counties of Steuben and De Kalb, from his seat in this body, and placing in his stead *Madison Marsh*,—a person in their estimation having no right to the designation of a Representative of the people.

As their reasons for this protest, the undersigned first submit the facts connected with the contested election in the counties of Steuben and De Kalb; secondly, they submit the conduct of the House upon these facts; and, thirdly, they call the attention of the House, and of the country to the manifest injustice and impropriety of that conduct. This they desire to do temperately, but truthfully, inviting correction wherever, if at all, inaccuracy of statement may occur.

The history of the contested election, in the counties alluded to, as gathered from the testimony presented to the House, developes the following facts, viz:

During the counting of the votes for the office of Representative, for the counties of Steuben and De Kalb, there were drawn from the ballot box four slips of paper folded together; each slip distinct, yet so wrapped as to present the appearance of a single ticket, deposited by one person. Upon opening the envelope, there appeared a ticket containing a full list of the names of candidates for the county offices, that of the candidate for Representative excepted. Within this envelope there also appeared a slip containing the names of candidates for clerk and sheriff. Enveloped also in the same ticket, there appeared another slip, containing the same name for sheriff, as was printed on the ticket just described; and, last, enveloped in the same covering was yet another slip upon which, accompanied with no designation of office, was printed merely the name of *Madison Marsh*.—This vote was unanimously rejected by all the judges of the election as palpably illegal, thrown upon the floor and afterwards picked up by a bystander.

The undersigned feel that it would be a waste of time and a mockery of argument to seek to demonstrate that the above described anomalous pretended vote, was properly rejected by the judges. It was palpably and manifestly illegal. Instead of one ticket, there were four tickets “deceitfully folded together,” in the language of the law;—the bare *manner* of folding, being evidence of the intent. The 16th section of the act of the Revised Code, regulating general elections, in express words declares that such a ticket shall be rejected. There were *two* votes for *one* office, to wit: For the office of sheriff; and there was what purported to be a vote, viz:—the name *Madison Marsh*, without further explanation; no office being designated as the one desired by the voter, to be filled by *Mr. Marsh*. The undersigned need hardly inform this body, or the country, that such want of a designated office is alone fatal to the validity of a vote. The 8th sec-

tion of the law just referred to in so many words establishes this point. The counting of the votes resulted in a tie. The 28th section of the law already cited, provides that when a tie shall thus occur the sheriffs of the respective counties shall determine the election by lot. The sheriffs of Steuben and De Kalb accordingly met, and drew lots as provided by the Statute. The result was in favor of Mr. Beall, who was thereupon declared elected, and who received the certificate of his election.

An attempt, however, was soon made to vitiate the election of Mr. Beall. The illegal and rejected pretended vote just alluded to, was procured, and its parts were put together. Mr. Beall was then notified that Mr. Marsh would contest his seat, and a time and place were designated for the purpose of taking evidence, before the county commissioners to accomplish that object. Mr. Beall, as appears from the evidence, attended at the time and place, when the facts in reference to the vote before described were elicited. Upon that examination, one Henry Shoemaker was sworn, who testified that he voted a ticket similar to the one rejected, with this exception, viz: That upon his ticket the word "Representative" occurred above the name of Marsh. No positive evidence, his own included, even tends to prove that Mr. Shoemaker voted the rejected ballot. The only circumstance pointing that way, consisting in the fact that he voted a ticket split and folded.

Upon this examination, before the county board, it further appears that Mr. Beall in person, offered to prove that two illegal votes were folded and counted as votes for Mr. Marsh. This privilege, however, was refused him.

If Mr. Beall had been permitted to have established the fact of such illegal ballots, even if the rejected ballot had been strictly legal, it is of course evident that his own election was still secured by a majority of one vote.

This contested election reached the House of Representatives in the condition just described, and was referred by that body to the committee on elections. The testimony just stated, was placed before that committee. It was the testimony of Marsh *alone*. Mr. Beall desired to be heard before the committee either in person or by counsel. The majority of the committee denied to him that right. Mr. Beall made affidavit that he believed he could prove to them that two illegal votes were polled and counted for Marsh, but that the commissioner of DeKalb had denied him the right to do so, and requested the privilege to adduce such proof. The request was denied. The minority of that committee asked that persons and papers should be sent for, and a full report made upon the whole facts, that the legally elected Representative should be placed in office. The proposition was voted down, and a resolution ejecting Mr. Beall and seating Mr. Marsh in his chair, was reported by them to the House.

When the resolution was read in the House of Representatives, it was moved to amend it by referring the whole subject back to the committee, with instructions requiring the committee to send for the

requisite proof, and to report such one of the contestors as elected, who, from such proof should be shewn to have received a majority of the legal votes of the counties of Steuben and DeKalb. This amendment, so reasonable and democratic, was unhesitatingly voted down by the majority of the House of Representatives.

A resolution was then offered requiring the election to be returned to the people from whence it came; to send both candidates to their homes, that a new election might be ordered, and that the voters of Steuben and DeKalb might, as belonged to them to do, decide this question for themselves. Yet strange, as the undersigned deem it, the majority of the House refused even to listen to this suggestion, but ordered the previous question to be taken, and thus ejected Mr. Beall, and placed Mr. Marsh in his stead. In all this conduct of the committee and the House, in the estimation of the undersigned, there was manifest illegality, injustice and impropriety. That the rejected vote was the vote of Shoemaker, there is no certain proof, yet if such proof was overwhelming, the vote was none the less illegal and void on that account. If the vote, however, had been legal, it would have afforded to Mr. Marsh a majority of but *one* vote. Mr. Beall made oath of, and desired to prove the polling and counting of two illegal votes for Marsh, which, if he established, as in equity he should have been allowed to do, would have guarantied the seat to Mr. Beall.

This establishment of proof, in his behalf, the prerogative of every man in a land of freedom, was, however, denied.

If the committee were even correct, in refusing to listen to Mr. Beall, or to his counsel, they were without apology, in declining to bring before them, as they had full power to do, the whole of the evidence in the case, and deciding thereupon. There was injustice in the act of the House in refusing to refer the matter again to the committee, with instructions to examine into the entire case, and to report favorably to the legally elected claimant.

There was great unfairness and impropriety in the refusal of the House, to send back the contestors to the people, that they who are clothed with the sovereign authority might exercise their lawful power. The undersigned, therefore, deem the proceedings, in this particular, to present the following facts, viz: First. Enos Beall, elected in strict compliance with the law, and clothed with the credentials of his office, took his seat and was sworn as a member of the House of Representatives.

Secondly. His seat was contested and he was ejected from it without being heard; without the privilege of introducing proof, and without any evidence to controvert his rightful claim to his position. Thirdly. Mr. Marsh was installed as his successor with no further claim than that based upon a rejected and palpably illegal ballot, in the face of a sworn statement, that illegal votes sufficient to defeat even his *show* of right to that position, were polled and counted for him.

Fourth. The House of Representatives refused the equitable and just request to bring before them all the evidence by which to deter-

mine the legally elected Representative, or to send back the election to the people to whom it belonged.

The undersigned, therefore, do most solemnly protest against the proceedings of the House of Representatives, in their action upon, and decision in, the contested election in the counties of Steuben and DeKalb.

They protest against it, because, the House have illegally trampled upon the credentials of an elected member of this body.

They protest against it, because, the House has disregarded the law, in recognizing as legal an illegal ballot.

They protest against it, because, the House as a body, and by its committee has treated with contempt the rights of one of its members, guarantied to all men of being heard, when on trial, in his defence.

They protest against it, because, this House has refused to return to the people their delegated authority.

They protest against the action of the House in this respect, in short, because, in the opinion of the undersigned, one of its members has been violently and illegally deprived of his seat on this floor; because the voice of the people has been treated with disdain; because an unauthorized person has been permitted to exercise the high functions of an elected Representative of Indiana; because party despotism has triumphed over justice, over great public interest, over our beloved constitution, and over the rights of a minority. They protest, because, they would be equally false to themselves, to their constituents and to the constitution which they are sworn to uphold, were they to suffer an outrage so flagrant and palpable to pass without the expression of their cordial and solemn protest upon the Journal of this body.

Geo. P. R. Wilson,
L. G. Thompson,
W. Brown Butler,
John H. Bradley,
Wm. R. Foulke,
George K. Steele,
H. J. Bowers,
Samuel Goodenow,
William Mitchell,
W. G. Coffin,
Arza Lee,
John Strain,
Septer Patrick,
Isaac Parker,
Simon Summers,
John Francis,
Hugh C. Flannegan,
Minor Meeker,
Fletcher Tevis,

R. A. Clements,
George B. Tingley,
Daniel Stratton,
John Edwards,
Joshua B. Huckaby,
Henry H. Marvin,
Allen Sumner,
David Montague,
D. C. Rich,
Wm. Bales,
John Davis,
R. N. Williams,
Allen Hiatt,
G. C. Gilbert,
John Hodges,
J. Mathers,
James Denny,
John Real,
N. B. Hawkins,

John Proctor,
Newton Claypool,
David Hillis,
Frederick Leslie,

John M. Sluss,
Isaac Shelby,
Nathaniel Butterfield.

The Senate now came into the Hall and took seats on the right of the Speaker's chair. The President *pro tem.*, on the right of the Speaker.

The convention then proceeded to ballot for a Prosecuting Attorney, for the third judicial circuit of the State of Indiana; and, on counting the first ballot, it appeared that

John Dumont received	-	-	-	141 votes
Scattering	-	-	-	7 "

John Dumont, having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the third judicial circuit of the State of Indiana, to serve as such for the term of two years, from and after this date.

The convention then, in like manner, proceeded to the election of a Prosecuting Attorney for the fifth judicial circuit; and, on counting the first ballot, it appeared that

Abraham A. Hammond received	-	-	78 votes
Hugh O'Neal	"	-	70 "

Abraham A. Hammond having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the fifth judicial circuit, to serve as such for the term of two years from and after [this date.]

The convention then in like manner, proceeded to elect a Prosecuting Attorney for the sixth judicial circuit; and, on counting the first ballot, it appeared that

Jehu T. Elliott	received	-	-	48 votes
Finley Bigger	"	-	-	61 "
Pleasant A. Hackleman	"	-	-	38 "
Scattering	-	-	-	1 "

No person having received a majority of all the votes given, the convention proceeded to a second ballot; when, on counting the votes it appeared that

Jehu T. Elliott	received	-	-	55 votes
Finley Bigger	"	-	-	63 "
Pleasant A. Hackleman	"	-	-	30 "

Neither of the gentlemen having received a majority of all the votes given, the convention proceeded to a third ballot; when, on counting the votes, it appeared that

Jehu T. Elliot	received	-	-	60 votes
Finley Bigger	"	-	-	69 "
Pleasant A. Hackleman	"	-	-	19 "

Neither one of the gentlemen having received a majority of all the votes given, the convention proceeded to a fourth ballot; when, on counting the votes it appeared that

Jehu T. Elliot	received	-	-	-	75 votes
Finley Bigger	"	-	-	-	73 "

Jehu T. Elliott having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the sixth judicial circuit, to serve as such for the term of two years from and after this date.

The convention then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The convention met pursuant to adjournment.

And then, in like manner, proceeded to elect a Prosecuting Attorney for the seventh judicial circuit; when, on counting the first ballot it appeared that

John P. Usher	received	-	-	-	73 votes
James M. Hanna	"	-	-	-	59 "
Geo. F. Waterman	"	-	-	-	15 "

No person having received a majority of all the votes given, the convention then proceeded to a second balloting; when, on counting the votes, it appeared that

John P. Usher	received	-	-	-	78 votes
James M. Hanna	"	-	-	-	66 "
Geo. F. Waterman	"	-	-	-	4 "
Scattering	-	-	-	-	1 "

John P. Usher having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the seventh judicial circuit, to serve as such for the term of two years, from and after this date.

The convention then proceeded in like manner, to elect a Prosecuting Attorney for the ninth judicial circuit; when, on counting the first ballot it appeared that

Ebenezer M. Chamberlain	received	-	-	-	79 votes
Andrew D. Osborn	"	-	-	-	69 "
Scattering	-	-	-	-	1 "

Ebenezer M. Chamberlain having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the ninth judicial circuit, to serve as such for the term of two years, from and after this date.

The convention then in like manner proceeded to elect a Prosecuting Attorney for the tenth judicial circuit, when, on counting the first ballot, it appeared that

William G. Quick	received	-	-	-	73 votes
Richard A. Rossau	"	-	-	-	40 "
John S. Walls	"	-	-	-	34 "
Scattering	-	-	-	-	2 "

No person having received a majority of all the votes given, the

convention proceeded to a second balloting; when, on counting the votes it appeared that

William G. Quick received	-	-	-	82 votes
Richard A. Rossau	"	-	-	44 "
John S. Walls	"	-	-	22 "
Scattering	-	-	-	1 "

William G. Quick having received a majority of all the votes given, was declared duly elected Prosecuting Attorney for the tenth judicial circuit, to serve as such for the term of two years, from and after this date.

The convention then adjourned.

And, on motion,

The House adjourned until 9 o'clock, to-morrow morning.

FRIDAY MORNING, DEC. 16, 1842.

The House met pursuant to adjournment.

Mr. Simonson moved to reconsider the vote taken on yesterday, in relation to the revision of the laws of the State of Indiana;

Which was reconsidered, and the question then recurring upon the adoption of the resolution,

Mr. Tingley moved to amend as follows:

Resolved, That the committee on the judiciary of this House be, and they are, hereby, constituted also a joint committee on revision, on the part of the House to act with a committee on revision now appointed by the Senate, and that the Senate be forthwith advised of the adoption of this resolution;

Which amendment was lost.

The question then recurring upon the adoption of the resolution;

Which was agreed to.

Mr. Robinson moved to take from the table a petition of divers citizens of Tippecanoe county, praying that a certain part of said county might be attached to the county of Carroll;

Which motion prevailed, and by consent the petition was withdrawn from the House.

PETITIONS PRESENTED.

By Mr. Edmonson, of John S. Martin and others, asking a certain road therein named;

Which was referred to a select committee of Messrs. Edmonson, Whight and Butler of V.

By *Mr. Edmonson*, of citizens of Dubois county, asking a change in a certain road therein named;

Which was referred to a select committee of Messrs. Edmonson, Whight and Butler of V.

By *Mr. Robinson*, of Martha Jane Carr, praying a divorce from Peter Carr;

Which was referred to the committee on the judiciary.

By *Mr. Tevis*, of John Morgan, praying a divorce from Eliza Jane Morgan;

Which was referred to a select committee of Messrs. Tevis, Butler and Brown of M.

By *Mr. Fuller*, of Daniel M. Spencer, praying to be divorced from his wife, *M. T. Spencer*;

Which was referred to the judiciary committee.

By *Mr. Carter*, of citizens of Cass county, asking the repeal of the law allowing Attorney's docket fees in *civil cases*;

Which was referred to the committee on the judiciary.

Also, of citizens of Cass county, praying the acts of the board doing county business in said county might be legalized, as therein set forth;

Which was referred to the committee on the judiciary.

By *Mr. Clements*, of citizens of Daviess county, asking that the town of Washington might be incorporated;

Which was referred to the committee on corporations.

Also, the remonstrance of citizens of Daviess county, against the location of a certain road;

Referred to committee on roads.

By *Mr. Clements*, of citizens of Daviess and *Martin* counties, remonstrating against the change of a certain road therein named;

Which was referred to the committee on roads.

The petition of citizens of Henry county, in relation to certain acts of justices of the peace of Wayne township in said county, was on motion of *Mr. Lowe*, taken from the table, and referred to the committee on the judiciary.

Mr. Lowe also presented the remonstrance of citizens of said county in relation to the same subject;

Which was also referred to the same committee.

By *Mr. Hodges*, of Alexander Beard, praying relief as therein set forth;

Which was referred to the committee on canals and internal improvements.

By *Mr. Hargrove*, of citizens of Gibson county, asking a distinct acknowledgement of the whole public debt, justly due by the State, &c;

Which was referred to the committee of ways and means.

By *Mr. Gorman*, of Catharine Owens, praying relief as therein set forth;

Which was referred to the judiciary committee.

By *Mr. Brown* of M., of citizens of *Marion* county, praying the amendment of the valuation law, as therein set forth;

Which was referred to the committee on ways and means.

By Mr. Whight, of voters of Pike county, asking the establishment of a certain road therein named;

Which was referred to a select committee of Messrs. Whight, Edmonson and Lee.

By Mr. Davis of S., of a large and respectable assembly of citizens of Sullivan county, upon various subjects;

Which was referred to the committee on the judiciary.

By Mr. Prilliman, of citizens of the counties of Wells and Adams, asking a law authorizing John Sour to erect a mill dam across the Wabash river;

Which was referred to the committee on the judiciary:

By Mr. Tingley, of Henry B. Hill and others, asking that the acts of Isaac Tullis, deceased, late justice of the peace of Ripley township, in the county of Rush, might be legalized;

Which was referred to the committee on the judiciary.

By Mr. Dufour, of Wm. McCullough, praying relief;

Which was referred to the committee on claims.

The Speaker laid before the House a report in obedience to a resolution of this House calling on him for information in relation to the account which the State of Indiana has against William J. Brown, late State Librarian.

Mr. Gorman moved to refer said report to the committee on the State Library.

Mr. Stratton moved to refer it to a select committee of five;

Which motion did not prevail.

The question then recurring upon Mr. Gorman's motion;

The ayes and noes having been demanded by Messrs. Bradley and Norvell;

Mr. Brown of M. asked to be excused from voting;

Which was granted.

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of R., Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of S., Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hillis, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, McCormick, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Stewart, Swihart, Tevis, Wheeler, White and Williams.—55.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Coffin, Davis of M., Denny, Dufour, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hodges, Huckaby, Lee,

Leslie, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, and Wilson.—40.

So said report was referred to the committee on the State Library.

The Speaker laid before the House the report of the visiter of the State Prison;

Which was, on motion, referred to the committee on the State Prison.

Mr. Shoupe, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of the securities of Elish Long, deceased, late treasurer of Franklin county, have had the same under consideration and directed me to report the following bill and recommend its passage:

No. 52. A bill for the relief of the securities of Elish Long, deceased, late treasurer of Franklin county;

Which was read a first and second times; when

Mr. Stratton moved its reference to the committee on ways and means;

Which motion did not prevail.

Mr. Shoupe, thereupon, moved that it be referred to the judiciary committee;

Which motion prevailed.

Mr. Davis of Sullivan, chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to which was referred a bill supplemental to an act prescribing the duties of county treasurers, approved February 12th, 1841, have had the same under consideration and have directed me to report it back to the House without amendment and recommend its passage.

No. 33. An act supplemental to an act prescribing the duties of County Treasurers; approved February 12, 1841;

Which was read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

The House then took up the following message of the Senate:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled,

No. 26. An act to authorize a special session of the Floyd circuit court;

In which I am directed to request the concurrence of the House of Representatives.

No. 26. A bill to authorize a special session of the Floyd circuit court;

Which was read a first, second and third times and passed;

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with amendments, an engrossed bill of the House of Representatives, entitled,

No. 6. An act to legalize an election therein named;

Also, engrossed bills of the Senate, entitled,

No. 15. An act concerning petit jurors in certain counties therein named;

No. 16. An act to legalize the acts of the Tippecanoe circuit court;

In which bills of the Senate, and in the amendments of the Senate to the bill of the House of Representatives, I am directed to ask the concurrence of the House of Representatives.

No. 6. A bill of the House of Representatives, to legalize an election therein named;

The amendments of the Senate were then agreed to, ordered, that the clerk inform the Senate thereof.

No. 15. A bill mentioned in said message;

Which was read a first time and passed to a second reading on tomorrow.

Also, No. 16. A bill mentioned in said message;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Edwards offered the following resolution:

Resolved, That that the Secretary of State be requested to furnish this House with a correct copy of the returns of the census of the State of Indiana, as taken by the authority of the United States, in the year 1840;

Which was not adopted.

Thereupon, Mr. Moore of O. moved a reconsideration of the vote;

Which prevailed.

The question then recurring on the adoption of said resolution,

Which was decided in the affirmative.

On motion of Mr. Millikin,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending the act prescribing the duties of county treasurers; approved February 12, 1841, that it be made the duty of said treasurers, instead of the two days attendance in each township for the purpose of receiving taxes, to appoint one of the constables of each township, or some other suitable person, whose duty shall be to receive and receipt for taxes from the 15th of October to 25th of December, in each year; and also amend the act

prescribing the duties of county auditors, so that it be made their duty to make out the duplicate of taxes for each township in a separate book.

On motion of *Mr. Shoupe*,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of authorizing debtors to give judgment bonds upon which judgments may be rendered by justices of the peace, or that the clerk of the circuit courts may enter judgments in vacation of the courts, with leave to report by bill or otherwise.

Mr. O'Neal offered the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road laws, that supervisors shall be furnished by the county auditor the amount of every residents road tax, who shall collect the same either in labor on the public roads or in money, to be applied to the repairing roads and bridges, said tax to be levied on the value of lands only, and not to include the value of personal property; and that non-residents to pay a road tax equal to that of residents, to be collected by the collector of State and county revenue, which tax shall be applied by the board doing county business, to the constructing of bridges and keeping the same in repair; and report by bill or otherwise;

Which was not adopted.

On motion of *Mr. Simonson*,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the present school law as to allow districts not having twenty-five pupils between the ages of five and twenty-one years, to draw their part of the school funds belonging to their respective townships, as though they had that number; and report by bill or otherwise.

On motion of *Mr. Rose*,

Resolved, That the judiciary committee be instructed to enquire whether or not the *rents* and *profits* of real estate, are not embraced in the law providing for the appraisement of real and personal property, and if not, that said committee report to this House such amendments.

On motion of *Mr. Lee*,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law regulating the practice in criminal prosecutions as to allow the prosecuting attorney to challenge half as many jurors as the prisoner has a right to challenge; and that said committee report by bill or otherwise.

On motion of *Mr. Montague*,

Resolved, That the committee on education enquire into what alteration in the law is necessary to authorize a school commissioner to sue his predecessor for failing to pay over moneys, or deliver the books and papers appertaining to the office; with leave to report by bill or otherwise.

On motion of *Mr. Simonson*,

Resolved, That the Auditor of State be requested to lay before this

House at as early a day as possible, a copy of the report of the clerk of the State Prison, up to the first of November last.

On motion of Mr. Gorman,

Resolved, That the committee on ways and means enquire into the expediency of repealing the revenue law passed at the session of 1840 and '41, and in the event the repeal thereof is thought inexpedient to provide for one person to assess both real and personal property, and to reduce the fees of the assessors, the fees of the county Auditor, the fees of the county board of equalization, the fees of the Treasurer, also, to repeal the damagess of twenty-five per sent., also, to repeal the damages upon delinquents for taxes.

Mr. Mitchell offered the following preamble and resolution:

WHEREAS, the time set by law for holding elections for school trustees is at a time in the year when it is inconvenient for farmers to attend to it;

Therefore, be it resolved, That the committee on education be requested to enquire into the expediency of changing the time of holding elections for school trustees;

Which was adopted.

On motion of Mr. Norvell,

Resolved, That the committee on public expenditures enquire into the several amounts paid by the Auditor and Secretary of State for house rent, &c., on the part of the State, and report to this House; and also, enquire into the expediency of abolishing the office of State Librarian, and attaching the duties of said office to the duties of the Secretary of State.

On motion of Mr. Tevis,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the execution law as to require in all cases that no levy shall be made on the property of the defendant, out of the county where the judgment was obtained, when sufficient can be found in said county.

BILLS INTRODUCED,

By Mr. Parker; No. 53. A bill to prevent malicious prosecution;
Read a first time and passed to a second reading on to-morrow.

By Mr. Marsh; No. 54. A bill to legalize the acts of the Assessor of Steuben county;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Stratton; No. 55. An act to amend an act, entitled an act to incorporate the Wayne, Union, and Randolph turnpike company, and the Union and Wayne turnpike company; approved January 24, 1842;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Foulke; No. 56. A bill for the further stay of execution;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Leyman; No. 57. An act relative to the mode of doing township business in the county of Tippecanoe;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Leyman; No. 58. An act to incorporate the Lafayette Band;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Cooley; No. 59. An act to repeal an act therein named;

Read a first time and passed to a second reading on to-morrow.

By Mr. O'Neal; No. 60. An act to amend an act, entitled an act, to regulate the jurisdiction of justices of the peace in Greene county; approved Dec. 23, 1841;

Read a first and second times and referred to the judiciary committee.

By Mr. Jackson; No. 61. A bill to repeal in [part the act entitled an act applying certain funds to the purpose of education; approved January 31, 1842;

Read a first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

No. 38. A bill to vacate a part of the town of Claysville;

Read a second time and ordered to be engrossed.

No. 39. An act to amend an act entitled an act to amend an act, entitled an act for the relief of the securities of certain officers; approved Feb. 1st, 1834, approved February 7, 1835;

Read a second time and ordered to be engrossed.

No. 40. A bill amendatory of the law regulating general elections;

Read a second time and referred to the committee on elections.

No. 41. A bill for the relief of the people of Indiana;

Read a second time, and before any action was had thereon;

On motion,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The question then recurring upon bill No. 41;

Mr. Moore of Owen moved to amend by striking out "two" and inserting "one;"

And the ayes and noes having been demanded by Messrs. Moore of O., and Nees.

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Fuller, Goodenow, Hardin, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Leslie, Lewis, Marvin, Matheny, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Nees, Nelson, O'Neal, Osborn, Parker, Patrick, Prilliman, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Swihart, Whight, Wilson and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Bales, Brown of Rush, Brown of White, Butler of Randolph, Clements, Coffin, Davis of Madison, Denny, English, Gilbert, Hawkins, Jones, Logan, Lowe, Major, McCormick, Mitchell, Myers, Peak, Proctor, Real, Rich, Roberts, Stewart, Sumner, Tevis, Thompson, Tingley, Wheeler and Williams—30.

So said bill was so amended.

Mr. Davis of S., moved to suspend the orders of the day, in order to take from the table a resolution of the Senate, fixing the time of going into an election of a United States Senator;

And the ayes and noes having been demanded by Messrs. Bradley and Tingley;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hawkins, Hodges, Jackson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Milliken, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Real, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Swihart, Thompson, Wheeler, Whight, Williams and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Huckaby, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Rich, Shelby, Strain, Stratton, Summers, Sumner, Tevis and Tingley—35.

So said motion prevailed.

Mr. Davis of S. then moved to take up said resolution;
Which was agreed to.

And on his motion, was amended so as to go into said election this day at three o'clock, P. M.

The question then pending on the engrossment of bill No. 41;

Mr. Clements moved to amend as follows:

Sec. — The provisions of this act shall not extend to any debt hereafter contracted, but all such debts shall be subject to execution as is provided by the law now in force in this State.

Mr. Milliken thereupon moved to commit the bill to the judiciary committee, with the following instructions:

Instruct the committee as follows:

So amend the bill, that but one execution shall issue in the space of twelve months at the defendants cost, and that no property at forced sales, sell for less than its cash value, and that the execution creditor have the right, after the plaintiff chooses what the law allows as exempt from execution, to select the personal property to levy on, and when the oldest execution creditor fails to purchase the property at the first time it is offered for sale, the next oldest execution creditor may do, and so on down to the last execution creditor;

Which did not prevail.

And on motion, the whole matter, with amendments and instructions, were referred to a select committee of Messrs. Tevis, Brown of R., Hargrove, Millikin and Campbell.

No. 42. A bill to repeal a certain act therein named, so far as the same extends to the county of Marshall;

Which was read a second time and ordered to be engrossed.

No. 43. An act defining the manner of selecting petit jurors in Putnam county;

Read a second time and referred to a select committee of Roberts, Real and Denny.

No. 44. A bill relative to summoning jurors in Vigo county;

Read a second time; when,

Mr. Norvell moved to amend by striking out publication;

Which amendment prevailed.

Mr. Logan moved to refer it to the above select committee;

Which motion did not prevail.

And, on motion,

The bill was ordered to be engrossed.

No. 45. An act to amend the law relative to executions;

Read a second time and referred to the committee on revision.

No. 46. A bill to regulate the summoning and empanneling grand and petit jurors in the county of Fayette;

Read a second time and referred to the committee on revision.

No. 47. A bill to extend the privileges of the valuation laws to administrators' and guardians' sales of real estate;

Read a second time and referred to the committee on revision.

No. 48. A joint resolution relating to the construction of a harbor at Michigan city;

Read a second time and ordered to be engrossed.

No. 9. A bill of the Senate, an act to conform a title to certain lands in certain heirs and devisees;

Read a second time and ordered to a third reading on to-morrow.

BILLS OF THE SENATE.

No. 13. A bill to authorize the commissioners of Ripley county to pay the associate judges of said county for services as probate judges; Which was read a second time and referred to a select committee of Bowers, Montague and Dufour.

No. 49. A bill to abolish fees paid for marriage license;

Read a second time.

Mr. Hodges moved to amend by reducing the present fees one-fourth;

Which motion failed.

Mr. Whight moved to lay on the table;

Not agreed to.

Mr. Robinson moved to refer the same to the committee on revision;

Which was not carried.

Mr. Tingley moved to refer the bill to the committee on military affairs;

Which also failed.

Mr. Moore of Owen then moved a reference to the committee of the whole House;

Which motion was also lost.

Mr. Jackson moved its indefinite postponement;

Which was not agreed to.

When, on motion of Mr. Shoupe, the said bill was referred to the committee of ways and means.

No. 50. An act to vacate a portion of a certain State road;

Which was read a second time and referred to the committee on roads.

BILLS ON THIRD READING.

No. 5. An act legalizing the publication of the delinquent list in Delaware county;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 51. A joint resolution in relation to postage, &c.;

Read a third time; when,

Mr. Gorman moved to recommit it to a select committee, with the following instructions;

Which was so recommitted, and the Speaker announced the following said committee: Messrs. Gorman, Shoup and Bradley.

No. 6. A bill of the Senate, to vacate the town of Frankfort in Lagrange county;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 28. An act legalizing the districting the county of Daviess into commissioner's districts and for other purposes;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 34. An act for the relief of Catharine Catlin;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The Speaker laid before the House a communication and report from Hon. Samuel Merrill, in relation to the sinking fund;

Which was laid on the table, and five hundred copies ordered to be printed.

Mr. Brown of M. asked and obtained a suspension of the rules, to introduce the following resolution:

Resolved, That the use of this Hall be tendered to the State Horticultural Society, on Saturday, the 31st instant;

Which resolution was adopted.

The House then took up the following message of the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed an engrossed bill thereof to wit:

No. 36. A bill to prevent fraudulent conveyances, in which I am directed to ask the concurrence of the House of Representatives.

The bill mentioned in said message being a secret matter, the Speaker ordered the lobbies to be cleared, when the message was taken up and bill

No. 36. An act to prevent fraudulent conveyances was read three times, (the rules being suspended,) and passed.

Ordered, That the clerk inform the Senate thereof immediately.

And, on motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 17, 1842.

The House met pursuant to adjournment.

Mr. Davis of S., on leave granted, offered for adoption the following resolution:

Resolved, That this House will, on this day, the Senate concurring therein, at 10 o'clock, A. M., proceed to the election of a United

States Senator, to fill the vacancy which will occur by the expiration of the term of service of the Hon. O. H. Smith.

Mr. Hawkins moved to strike out "ten" and insert "two;"

Which motion did not prevail.

The question recurring upon the adoption of the resolution;

Which was agreed to.

Mr. Tingley, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill No. 52 of the House, entitled a bill for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county, have had the same under advisement and have instructed me to report the same back to this House without amendment and recommend its passage.

No. 52. A bill for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county;

Read a second time and ordered to be engrossed.

The Speaker laid before the House the report of the Eastern Agent of State;

Which was, on motion, laid on the table and five hundred copies ordered to be printed.

Mr. Leslie, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to which was referred a bill of this House, No. 35. Entitled a bill to extend in part the provisions of an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved January 31st, 1842, to the county of Elkhart, have had the same under consideration and have directed me to report the same with two amendments, to wit:

Amendment 1st. Insert the words "Jay, Adams and Blackford," after the word "Elkhart," wherever it occurs in said bill.

2d. Strike out "publication in the Goshen Democrat and Northern Indianian," and insert "passage;"

Which was read and adopted.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

No. 35. A bill to extend in part, the provisions of an act to compel speculators to pay a road tax equal to that paid by actual settlers; approved January 31, 1841;

Which amendments were concurred in by the House, the bill read a second time and ordered to be engrossed.

The Speaker announced the following named gentlemen to act with a similar committee on the part of the Senate, as a joint committee on revision, to wit:

Messrs. Gorman, Hawkins, Williams, Robinson, Proctor, Wilson, Nees, Thompson, Matheny and Tingley.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a resolution of this House directing them to report an amendment to an act; approved January 29th, 1842, entitled an act to incorporate the New Albany Patent Bagging Manufacturing Company, so as to make individual property of the stockholders liable for all debts contracted by said company, have, according to order, directed me to report the following bill:

No. 62. An act to amend an act entitled an act to incorporate the New Albany Patent Bagging Manufacturing Company, approved January 29, 1842;

Read a first time and passed to a second reading on to-morrow.

Mr. Gorman, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a joint resolution in relation to the postage on newspapers, pamphlets, &c., have had the same under consideration, and made one amendment thereto, in which the concurrence of the House is respectfully requested.

And said joint resolution, viz:

No. 51. A joint resolution in relation to postage on newspapers, pamphlets, &c., was read a third time, (the amendment of the committee being lost,) and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tevis from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of John Morgan praying for a divorce, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

FLETCHER TEVIS,
W. BROWN BUTLER,
W. J. BROWN.

No. 63. An act for the relief of John Morgan;

Read a first time and passed to a second reading on to-morrow.

RESOLUTIONS WERE PRESENTED.

Mr. Huckaby offered for adoption the following resolution:

Resolved, That this House will, (the Senate concurring therein) adjourn *sine die* the 1st day of February next;

Mr. Simonson moved to lay the resolution on the table;
And the ayes and noes having been demanded by Messrs. Huckaby and Edwards;

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Butterfield, Carter, Clements, Coffin, Davis of Sullivan, Denny, Dunn, Edmonson, English, Flannegan, Fuller, Hargrove, Hawkins, Jones, Lee, Leslie, Lowe, Matheny, McCormick, Milliken, Moore of F., Moore of Owen, Nelson, Norvell, Parker, Patrick, Peak, Proctor, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Stratton, Summers, Sumner, Swihart, Tevis, Wilson and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Claypool, Cooley, Cuppy, Davis of Madison, Dufour, Edwards, Foulke, Francis, Gilbert, Goodenow, Hardin, Hiatt, Hillis, Hodges, Huckaby, Johnson, Lewis, Logan, Major, Marsh, Mathers, Meeker, Mitchell, Montague, Myers, Nees, O'Neal, Osborn, Prilliman, Real, Rich, Roberts, Shelby, Sluss, Strain, Thompson, Tingley, and Whight—46.

So said resolution was not laid on the table.

Mr. Millikin moved to amend as follows:

Strike out all after the word "resolved" and insert "that the committee of ways and means be instructed to examine into the state of the treasury, forthwith, and report to this House, so that the House may come to some conclusion, when it will be proper, (taking into the account, the public interest as well as the state of the treasury) to adjourn;"

Whereupon, Mr. Bradley moved a call of the House;

And the clerk proceeded to call the roll, when it appeared that the absentees were, Messrs. Davis of M., Leyman, Matheny, Dunbar (who was excused,) Williams and Wheeler;

Thereupon, Mr. Claypool moved that the further proceedings under the call of the House, be dispensed with;

Which motion prevailed.

When the question recurred upon the adoption of Mr. Millikin's amendment to the resolution;

Which was agreed to.

The question then recurring upon the adoption of the resolution as amended;

Which was also agreed to.

On motion of Mr. Bradley,

Resolved, That the select committee of this House, to whom was referred the report of the commissioners, to revise the laws, be and they are hereby authorized to employ a clerk.

On motion of Mr. Leslie,

Resolved, That the judiciary committee be instructed to enquire into the expediency of adopting a uniform law, on the subject of summoning and empanneling grand and petit jurors, with leave to report by bill or otherwise.

Mr. Thompson offered for adoption the following resolution:

Resolved, That the judiciary committee, be instructed to enquire into the expediency of reporting a bill making it the duty of the clerks of Probate courts, to keep a book in which they shall record all claims filed against decedent's estates, and note the amount of such claims, by whom filed, time of filing, &c. Also, requiring executors and administrators to file a statement of their acceptance, or rejection of each claim, within ninety days after the same shall have been filed, and in default of the filing of said notice, the question of such claim, to be taken as confessed;

Mr. Davis of S., moved to amend by adding "propriety of authorizing probate judges administering oaths;"

Which was so amended.

Mr. Simonson moved to strike out the compulsory part of said resolution;

Which motion prevailed;

And said resolution as amended was adopted.

On motion of Mr. Nees,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of abolishing the offices of agent of surplus revenue, commissioner of the three per cent. fund, and treasurer of seminary funds in the several counties in this State; and that the duties heretofore performed by the officers aforesaid, shall be discharged by the treasurers of each county, whose duty it shall be to make quarterly reports to the county auditor of the operation and condition of the several funds so transferred, and that the county auditor make annual report to the Treasurer of State, and that said committee report by bill or otherwise.

On motion of Mr. Shoup,

Resolved, That a select committee be appointed to enquire into the expediency of repealing a certain act declaring White Water river a navigable stream; with leave to report by bill otherwise;

The Speaker announced the following gentlemen said committee; Messrs. Shoup, Claypool and Millikin.

Mr. Hodges (on leave from a select committee) made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Vigo county, have had the same under consideration and directed me to report the following bill and recommend its passage:

No. 64. A bill to appoint an inspector of salt;

Read a first time and passed to a second reading on to-morrow.

On motion of Mr. Claypool,

Resolved, That the committee on canals and internal improvements be directed to enquire into the expediency of adopting some more efficient mode of collecting the rents for leases of water power on the public works; either by authorizing the cancelling of the leases after a given time, or annexing a sufficient penalty to enforce prompt collections; and whether it would not be proper to file a copy of said leases in the State Auditor's office.

Mr. Millikin offered for adoption the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of furnishing each county treasurer with an iron safe, large enough to contain the money, papers and books of his office, as recommended by the Auditor of State in his last report; and also enquire into the expediency of changing the time, after the present year, for county treasurers to pay the revenue to the Treasurer of State, as suggested in the late report of the Auditor of State.

Mr. O'Neill moved to amend by striking out the word "money;"

Which was not agreed to.

Mr. Huckaby moved to amend by striking out the words "iron safe;"

Which was agreed to.

The question then recurring on the adoption of the resolution as amended;

Which was also agreed to.

Mr. Robinson moved to reconsider the vote taken upon the adoption of the amendment offered by Mr. Huckaby;

Which motion did not prevail.

On motion of Mr. Marsh,

The resolution and amendment were laid on the table.

Mr. Moore of Owen offered for adoption the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the present road law, that the actual millers shall be exempt from working roads; with leave to report by bill or otherwise;

Which was not adopted.

On motion of Mr. Mitchell,

Resolved, That the committee on ways and means enquire into the expediency of authorizing the Treasurer of State to redeem state scrip of the denomination of fifties with fives, paid in for revenue.

JOINT RESOLUTIONS WERE INTRODUCED:

By Mr. Clements:

No. 65. A joint resolution instructing our Senators and requesting our Representatives in Congress, to procure a grant of land in the Vincennes district for the completion of the Wabash and Ohio Canal;

Read a first time and passed to a second reading on to-morrow.

BILLS WERE INTRODUCED:

By Mr. Robinson:

No. 66. An act to authorize the building of a towing-path bridge at Carrollton;

Read a first and second times, and referred to the committee on canals and internal improvements.

By Mr. Campbell:

No. 67. A bill to amend an act entitled an act to amend an act entitled an act to incorporate the Liverpool bridge company;

Read a first time and passed to a second reading on to-morrow.

By Mr. Norvell:

No. 68. An act supplemental and amendatory to an act subjecting real and personal property to execution, approved February 4, 1841, approved January 8, 1842;

Read a first time and passed to a second reading on to-morrow.

By Mr. Moore of Floyd:

No. 69. An act prescribing the duties of clerks of circuit courts;

Read a first time and passed to a second reading on to-morrow.

By Mr. Strain:

No. 70. An act to change the time of holding courts in the 7th judicial circuit;

Read a first time and passed to a second reading on to-morrow.

By Mr. Shelby:

No. 71. An act to confine the voters of Tippecanoe county to their respective townships;

Read a first time and passed to a second reading on to-morrow.

By Mr. Tingley:

No. 72. A bill fixing the time of holding courts in the 6th judicial circuit, &c.;

Read a first time and passed to a second reading on to-morrow.

By Mr. Jackson:

No. 73. A bill to amend the act entitled an act to authorize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838;

Read a first time and passed to a second reading on to-morrow.

By Mr. Dufour:

No. 74. A bill regulating the fees and salaries of the several officers and persons therein named;

Read a first and second times; when,

Mr. Lowe moved to lay it on the table and print 100 copies.

The ayes and noes having been demanded by Messrs. Robinson and Marvin:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of D., Butler of R., Campbell, Coffin, Cooley, Davis of S., Denny, Edmonson, Edwards, English,

Foulke, Francis, Gilbert, Goodenow, Hardin, Hillis, Huckaby, Lee, Lewis, Leyman, Lingle, Lowe, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Moore of O., Nees, Nelson, O'Neal, Osborn, Parker, Prilliman, Rose, Shelby, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, and Wilson.—50.

Those who voted in the negative were,

Messrs. Bradley, Brown of M., Brown of R., Brown of W., Butler of V., Butterfield, Chrisman, Claypool, Clements, Davis of M., Dufour, Dunn, Gorman, Hargrove, Hawkins, Hiatt, Hodges, Jackson, Johnson, Jones, Leslie, Logan, Major, Marsh, Marvin, Mitchell, Moore of F., Norvell, Peak, Rich, Roberts, Robinson, Shoup, Simonson, Sluss, Snook, Williams and Mr. Speaker.—38.

So said motion prevailed.

By Mr. Butler of V.:

No. 75. A bill relative to the wearing apparel of decedents;
Read a first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

No. 15. A bill of the Senate, concerning petit jurors in certain counties therein named;

Read a second time and referred to the judiciary committee.

No. 16. A bill of the Senate, to legalize the acts of the clerk of the Tippecanoe circuit court;

Read a second time and ordered to be engrossed for a third reading.

No. 53. A bill to prevent malicious prosecution;

Read a second time and referred to the judiciary committee.

No. 54. A bill to legalize the assessment in Steuben county for the year 1842;

Read a second time and ordered to be engrossed.

No. 55. An act to amend an act entitled an act to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company, approved January 24, 1842;

Read a second time and referred to the committee on corporations.

No. 56. A bill for the further stay of executions.

Mr. Edwards moved to amend by inserting treasury notes;

Which was consented to.

When the bill was read a second time and referred to the committee on revision.

No. 57. An act relative to the mode of doing township business in the county of Tippecanoe;

Read a second time and ordered to be engrossed.

No. 58. An act to incorporate the Lafayette band;

Read a second time and referred to the committee on corporations.

No. 59. An act to repeal an act therein named;

Read a second time and ordered to be engrossed.

No. 61. A bill to repeal in part the act entitled an act applying certain funds to the purposes of education, approved January 31st, 1842;

Read a second time and referred to the committee on education.

No. 52. A bill for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

JOINT RESOLUTIONS ON A THIRD READING.

No. 48. A joint resolution relating to the construction of a harbor at Michigan city;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 44. An act in relation to summoning jurors in Vigo county;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 42. An act to repeal a certain act therein named so far as the same extends to the county of Marshall;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 39. An act to amend an act entitled an act to amend an act entitled an act for the relief of the securites of certain officers; approved Feb. 1st, 1834; Feb. 7, 1835;

Read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

No. 38. An act to vacate a part of the town of Claysville;

Read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

No. 9. Of the Senate, an act to confirm a title to certain lands in certain heirs and devisees;

Read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

The House then took up the following joint resolution of the Senate:

MR. SPEAKER:

The Senate has passed an engrossed memorial and joint resolution thereof, entitled,

No. 22. A memorial and joint resolution to the Congress of the United States, praying an extension of the benefit of the act of Congress of June 7, 1832, granting pensions to revolutionary soldiers;

In which the concurrence of the House of Representatives is respectfully requested.

No. 22. of the Senate. A memorial and joint resolution to the Congress of the United States, praying an extension of the benefits of the

act of Congress of June 7, 1832, granting pension to revolutionary soldiers;

Which was taken up, read a first and second times, when

Mr. Whight moved its reference to the committee on federal relations;

Which motion did not prevail.

Mr. Leslie moved to refer it to the committee on military affairs;

Which motion did not prevail;

The question then recurring, shall the bill be read a third time;

Which was decided in the affirmative;

So said bill was read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley moved that the House adjourn until 9 o'clock Monday morning next;

And the ayes and noes having been demanded by Messrs. Whight and Millikin.

Those who voted in the affirmative were,

Messrs. Bradley, Claypool, Edmonson, Gorman, Lee, Matheny, Patrick, Proctor, Strain, Thompson, and Wheeler—11.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of D., Brown of R., Brown of White, Butler of R., Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Clements, Coffin, Cooly, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Marvin, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Priliman, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Stratton, Summers, Sumner, Swihart, Tevis, Tingley, Whight, Williams, Wilson and Mr. Speaker—85.

So the House did not adjourn.

And on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a report from the Secretary of State, made in obedience to a resolution of this House, shewing the

exact population of each county in the State, as taken by the Marshals of the United States in 1840;

Which was laid on the table and a hundred copies ordered to be printed.

On motion of Mr. Simonson, (on leave granted,)

Resolved, That the judiciary committee be instructed to enquire into the expediency of amending the law in relation to Coroners, so as to authorize the county treasurer to make sale of the goods, or property found on the body of any deceased transient person, when there is no heir or claimant, after the expiration of two years.

On motion of Mr. Strain, (on leave granted,)

Resolved, That the judiciary committee be instructed to enquire whether, according to the present law, execution defendants have the right to have their property sold under execution without appraisement, and if so, to enquire into the expediency of so changing the law, that no property shall be sold by virtue of any execution, without first having been appraised, and shall bring two-thirds of its appraised value; to report by bill or otherwise.

Mr. Tevis moved that the rules of the House might be suspended in order to take up bill No. 63;

Which motion prevailed; when said bill,

No. 63. An act for the relief of John Morgan, was taken up, read a second and third times and passed;

Ordered, That the Clerk inform the Senate thereof.

Mr. Clements moved that the House adjourn till Monday morning 9 o'clock;

And the ayes and noes having been demanded by Messrs. Brown of M. and Gorman,

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Clements, Davis of Madison, Hardin, Hargrove, Hiatt, Huckaby, Lee, Leslie, Mathers, Mitchell, Patrick, Robinson, Shelby, Strain, Tevis and Wheeler—18.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Jackson, Johnson, Lewis, Leyman, Lingle, Lowe, Major, Marsh, Marvin, Matheny, McCormick, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shoup, Simnson, Sluss, Snook, Steele, Stewart, Summers, Sumner, Swihart, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker—76.

So said motion was lost.

Mr. Shoup moved to suspend the rules and take up bill No. 26;
 Which motion was lost.
 And on his motion,
 The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DEC. 19, 1842.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Hawkins, of Samuel L. Rugg and others, asking a passage of an act explanatory to an act, entitled an act, to regulate marriages; approved Feb. 17, 1838;

Which was referred to the judiciary committee.

By Mr. Millikin, of E. Dumont, asking the repeal of a certain act therein named;

Which was referred to the committee on the State Bank.

By Mr. Davis of S., of citizens of Sullivan and Vigo counties, praying the establishment of a certain road therein named;

Which was referred to a select committee of Messrs. Davis of S., Hodges and Patrick.

By Mr. Butler of V., of William Carpenter and others, praying the passage of an act authorizing the boards doing county business, to employ a Physician in each county to attend paupers;

Which was referred to a select committee of Messrs. Butler of V., Edwards and Edmonson.

By Mr. Cooley, of citizens of Franklin county, praying the passage of an act, as therein set forth;

Which was referred to the committee on education.

By Mr. Gorman, of citizens of Monroe county, praying the passage of an act for relief of John J. Graham;

Which was referred to a select committee of Messrs. Matheny, ——— and ———.

By Mr. Shoup, of Thomas C. Whitcomb and others, praying a change in a state road therein named.

Which was referred to the committee on roads.

Mr. Davis of S., chairman of the committee on ways and means, made the following report.

MR. SPEAKER:

The committee of ways and means, to which was referred a resolution of this House in relation to giving to constables, in the several townships the power to collect the taxes, and requiring the Auditor to make out a separate set of books for each township, have had the same under consideration and have directed me to report, that it is, in the opinion of the committee, inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of it.

Which report was concurred in, and the committee discharged.

Mr. Davis of S., chairman of the committee of ways and means, to whom was referred the petition of Hugh M. Patton and others, citizens of Gibson county, returned the same back to the House, without having acted upon the same, and, upon his motion, said petition was referred to the judiciary committee.

No. 52. A bill to provide for the reception of certain treasury notes for State dues;

Which was read a second time, when,

Mr. Edwards moved to amend by striking out the words "making treasury notes receivable for county dues."

Mr. Bardley moved to commit the bill with amendments to a committee of the whole House, and make it the special order of the day on Thursday next;

And the ayes and noes having been demanded by Messrs. Brown of M. and Wheeler;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of D., Brown of M., Butler of V., Butterfield, Campbell, Carter, Coffin, Cuppy, Denny, Dufour, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Gorman, Hargrove, Hiatt, Huckaby, Jackson, Lee, Logan, Marvin, Mathers, Mitchell, Montague, Myers, Nelson, Norvell, Osborn, Parker, Patrick, Proctor, Rich, Robinson, Shelby, Sluss, Steele, Stratton, Sumner, Swihart, Thompson, Tingley, Wheeler, Whight and Mr. Speaker.—50.

Those who voted in the negative were,

Messrs. Bowers, Brown of M., Brown of R., Butler of R., Claypool, Clements Cooley, Davis of M., Davis of S. Dunn, English, Fuller, Goodenow, Hardin, Hawkins, Hodges, Johnson, Jones, Leslie, Lewis, Leyman, Lingle, Lowe, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Moore, of F., Moore of O., Nees, O'Neill, Peak, Prilliman, Real, Roberts, Rose, Shoup, Simonson, Stewart, Strain, Sumner, Tevis, Williams and Wilson.—47.

So said bill and amendment were so committed.

The Speaker laid before the House, the following communication from N. B. Palmer, Esq., Bank Agent of the State of Indiana:

HON. T. J. HENLEY,

Speaker of the House of Representatives:

Please lay before the House of Representatives, the accompanying Bank Report and documents.

Very respectfully,

N. B. PALMER, *Examining Agent.*

Also the accompanying bank report and documents, which was,

On motion of Mr. Thompson,

Referred to the committee on the State Bank, and 500 copies ordered to be printed.

Mr. Williams, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred the petition of Parker L. Wise and others, citizens of Adams county, praying certain amendments of the present revenue law, have had the same under consideration, and have instructed me to report further legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee discharged.

Mr. Williams, a member, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred the petition of Robert B. Duncan and others, citizens of Marion county, praying a change in the present revenue law, have had the same under consideration, and have instructed me to report further legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the committee discharged.

Mr. Williams, a member, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of this House, instructing this committee to enquire into the expediency of reporting a bill in relation to the duties of county assessors, have had the same under consideration, and have instructed

me to report further legislation on that subject inexpedient, and ask to be discharged from further consideration thereof.

Which report was concurred in, and the committee discharged.

Mr. Whight, a member, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of this House in relation to the election of township assessors, have, according to order, had that subject under consideration, and have directed me to report legislation on that subject inexpedient;

Which report was concurred in, and the committee discharged.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to which was referred the petition of Isaac Letsenberger and others, have had that subject under consideration and have directed me to report the following bill:

No. 76. A bill to authorize Isaac Letsenberger to build a mill-dam;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House No. 23, have had that subject under consideration and have directed me to report the same back with one amendment; by striking out said bill from the enacting clause and inserting the following amendment, in which the concurrence of the House is respectfully requested.

The House concurred therein, and said bill

No. 23. To amend an act relative to granting license, was ordered to be engrossed for a third reading on to-morrow.

Mr. Simonson, chairman of the committee on the State prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to which was referred the reports of the superintendents and visiter of the State prison, have had the same under consideration, and directed me to report them back to the House and ask the adoption of the following resolution:

Resolved, That the public printer be directed to print five hundred

copies of the report of the visiter and superintendents of the State prison, together with the statistics thereof, for the use of this House.

Mr. Butler of V. moved to amend said resolution by striking out five hundred and insert two hundred;

Which motion was lost.

The question then recurring upon the adoption of said resolution;

Which was agreed to.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of A. W. Inman and others, asking a change in a certain State road therein named, have had the same under consideration and have directed me to report the following bill:

No. 77. A bill to authorize Abednego W. Inman of the county of Dubois, to change a certain State road therein named;

Read a first time and passed to a second reading on to-morrow.

Mr. Bowers, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 13, of the Senate entitled a bill to authorize the commissioners of Ripley county to pay the associate judges of said county for services as probate judges, have directed me to report the same back to the House and recommend its passage.

Bill of the Senate. No. 13, a bill to authorize the commissioners of Ripley county to pay the associate judges of said county for services as probate judges;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Whight, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition of sundry citizens of Pike county, on the subject of a State road, have had that subject under consideration and have directed me to report the following bill:

No. 78. An act to locate a State road in Pike and Dubois counties;

Which was read a first time and passed to a second reading on to-morrow.

RESOLUTIONS WERE THEN OFFERED.

Mr. Shoup offered the following resolution:

Resolved, That the House of Representatives will, (the Senate con-

curing therein,) adjourn *sine die* on Monday the 6th of February next.

Mr. Wilson moved to lay said resolution on the table.

And, on this question, *Messrs.* Shoupe and Robinson demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Brown of D., Brown of W., Butler of V., Butterfield, Carter, Coffin, Davis of S., Denny, Edmonson, Edwards, Goode-now, Hawkins, Huckaby, Lee, Leslie, Leyman, Logan, Major, Marvin, Marsh, Matheny, Myers, Parker, Real, Steele, Strain, Stratton, Sumner, Swihart, Tevis, and Wilson.—31.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bales, Bradley, Brown of M., Brown of R., Butler of R., Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of M., Dufour, Dunn, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Gorman, Hardin, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Summers, Thompson, Tingley, Wheeler, Whight, Williams, and Mr. Speaker.—68.

So said resolution was not laid on the table.

Mr. Moore of O. moved to amend by striking out the 6th of February and insert the 25th of January next.

Mr. Foulke moved to amend by striking out 6th of February and insert 15th January.

Mr. Lee moved to lay said resolution and pending amendments on the table.

And, on this question, *Messrs.* Brown of M. and Robinson demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Carter, Coffin, Davis of M., Davis of S., Denny, Edmonson, Edwards, Hawkins, Huckaby, Lee, Leslie, Major, Marsh, Marvin, Matheny, Myers, Nees, Patrick, Proctor, Real, Steele, Strain, Stratton, Tevis, and Wilson.—27.

Those who voted in the negative were,

Messrs. Baker, Bales Bowers, Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Dufour, Dunn, English, Flanne-

gan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Mathers, McCormack, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Parker, Peake, Prilliman, Rich, Roberts, Robinson, Rose, Shelby, Shoupe, Simonson, Sluss, Snook, Stewart, Summers, Sumner, Swilart, Thompson, Tingley, Wheeler, Whight, Williams, and Mr. Speaker.—72.

So said resolution and pending amendment were not laid on the table.

Mr. Leslie moved to refer said resolution and amendment to the revising committee.

And, on this question, Messrs. Brown of M. and Shoupe demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of D., Butler of V., Butterfield, Carter, Coffin, Edmonson, Flannegan, Hawkins, Huckaby, Lee, Leslie, Marsh, Matheny, Montague, Myers, Shelby, Thompson, and Wilson.—21.

Those who voted in the negative were,

Messrs. Baker, Brown of M., Brown of R., Brown of W., Butler of R., Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of M., Davis of S., Denny, Dufour, Dunn, Edwards, English, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marvin, McCormick, Meeker, Millikin, Mitchell, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Wheeler, Whight, Williams and Mr. Speaker.—66.

So said resolution and amendment were not so referred;

The question then recurring on the amendment proposed by Mr. Moore of O.;

When Mr. Whight moved the previous question;

Which was seconded by the House.

The first question put, was, shall the main question be now put?

And passed in the affirmative;

The main question was then put, to-wit:

Shall said resolution be adopted;

Which was decided in the affirmative.

On motion of Mr. Millikin,

Resolved, That the committee on the State prison be instructed to enquire into the expediency of amending the law relating to the State prison, as suggested by the Auditor in his last report, so that the clerk

of State prison shall report to the Auditor early enough for him to report it to the House with his annual report.

Mr. Carter offered the following resolution:

Resolved, That a select committee be appointed whose duty it shall be to enquire and report to this House, whether the commissioner of the Wabash and Erie canal east of Lafayette, has leased any water on said canal, in any other manner than is provided for by law; and also, whether said commissioner has changed the location or character of any water power, after the same has been leased according to law, without advertising for, and receiving sealed proposals for said water power, as changed either in location or character; said committee to have power to send for persons and papers;

Mr. Thompson moved to amend by striking out "said committee to have power to send for persons and papers;"

Which was consented to by the mover;

Then said resolution was adopted;

And Messrs. Carter, Jackson, Marsh, Wilson and Thompson were appointed said committee.

On motion of Mr. Steele,

Resolved, That the committee on military affairs be instructed to enquire into the propriety of making a more efficient military system for the better organization and discipline of the militia in this State, or abolishing altogether, so far as they can constitutionally, the present system in time of peace.

On motion of Mr. Thompson,

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the practice act, as to require the clerks of circuit courts to keep a calender, or book in which to set down every suit as it is commenced, and note under their proper head every paper that is filed, and every writ or process that is issued in the case, until the same is finally determined.

On motion of Mr. Edwards,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the law regulating common schools, as more effectually to secure the funds thereof; also, to enquire into the expediency of so amending said law, as to provide that all moneys or funds belonging to the school fund shall be loaned out on mortgage security, at not more than two thirds of its fair appraised value.

Mr. Denny offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reporting a bill to this House requiring the board of commissioners in each county to appoint three persons in each township, in their respective counties, whose duty it shall be to appraise all property, both real and personal, that may be offered for sale under execution in their respective townships, with leave to report by bill or otherwise;

Which was not adopted.

On motion of Mr. Huckaby,

Resolved, That the judiciary committee be instructed to enquire into the expediency of repealing the law making it obligatory upon the clerks of the several counties in this State, to make up complete records in all cases, unless done upon the application of one of the parties litigant, and at the cost of the applicant, with leave to report by bill or otherwise.

On motion of Mr. Bowers,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the law as to require all road taxes to be collected by the supervisors of roads, instead of the county treasurers, and report by bill or otherwise.

On motion of Mr. Davis of S.,

Resolved, That the judiciary committee enquire into the expediency of reporting a bill, so amending the law requiring clerks and justices to pay over all fees in their hands to the school commissioner, within ten days after the first Monday in August, as to permit justices and clerks to retain in their hands the fees due any person who may be indebted to such clerk or justice, at the time such payment should be made.

Mr. Davis of S. offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of reporting a bill giving recorders a lien for their fees upon all real estate, for which they may be required to record deeds;

Which was not adopted.

On motion of Mr. Coffin,

Resolved, That the committee on roads be instructed to enquire into the expediency of making it the duty of the county auditor in case of death, or removal of any supervisor, to appoint another in his place, who shall be bound to serve, or subject himself to a fine.

Mr. Bowers offered the following resolution:

Resolved, That the committee on ways and means be instructed to enquire into the expediency of laying off the Governor's circle into lots, and provide for the sale of the same, with the house thereon, and receive State scrip in payment, and report by bill or otherwise.

Mr. Brown of Marion moved to change the reference to the committee on Indianapolis;

Which prevailed.

Then said resolution was adopted.

On motion of Mr. Edmonson,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law in relation to malicious trespass, as will subject the offender to the State's prison, where the damage done exceeds fifty dollars.

On motion of Mr. Logan,

Resolved, That any member offering a resolution which may be adopted by this House, or present a petition to this House which may be referred to any standing committee, that such member shall be an *ex officio* member of such standing committee, during the time such resolution or petition may be under consideration by such committee.

Mr. Moore of O., offered the following resolution:

Resolved, That the public printer be requested to inform this House what the public documents cost for printing last winter;

Which, on motion, was laid on the table.

Mr. Wilson offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the constitutionality of a justice of the peace holding a seat in this House, who fails to deposit his resignation in the clerk's office previous to the day of election.

Mr. Davis of Sullivan moved to amend by inserting Notaries Public;

Which was consented to.

Mr. Claypool moved to amend by adding post masters;

Which was consented to.

Mr. Simonson moved further to amend by adding associate and probate judges, and all other officers acting under the authority of the State or general governments;

Which was consented to.

Then the question recurring on the adoption of said resolution and amendments;

Which was decided in the affirmative.

On motion of Mr. Patrick,

Resolved, That the Treasurer of State be requested to report to this House the terms on which a loan can be effected by him with the State Bank or its branches, for an amount equal to the demands on the treasury for the ensuing year, of bank scrip, endorsed by the Bank or either of its branches and made receivable for all debts due them.

On motion of Mr. Patrick,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of reporting a bill to this House authorizing the Treasurer of State to negotiate a loan of the State Bank or its branches, of so much of the bank scrip issued to said bank as may be found necessary to pay the current expenses of the State for the ensuing year.

Mr. Shelby moved to add Mr. Major to the select committee, in relation to the attachment of a part of Tippecanoe county to the county of Carroll.

Mr. Bowers moved that the House adjourn until 2 o'clock, P. M.;

Which was not consented to.

Mr. Myers introduced joint resolution

No. 79. A joint resolution in relation to the grand rapids of the Wabash;

Which was read a first time and passed to a second reading on tomorrow.

BILLS WERE THEN INTRODUCED.

By Mr. Robinson:

No. 80. An act to change the name of John Cade, *alias* John Mitchell;

Read a first time and passed to a second reading on to-morrow.

By Mr. Foulke:

No. 81. A bill providing for the recording of deeds and mortgages;

Read a first and second times and referred to the judiciary committee.

By Mr. Thompson,

No. 82. A bill relative to the water power in the north part of Noble county;

Read a first and second times, and referred to the committee on canals and internal improvements.

By Mr. Gorman:

No. 83. A bill to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1842;

Read a first time and passed to a second reading on to-morrow.

By Mr. Butler of V:

No. 84. A bill to incorporate the president and trustees of the Evansville Female Seminary;

Read a first time and passed to a second reading on to-morrow.

By Mr. Tevis:

No. 85. A bill regulating the issuing of executions of *fieri facias*;

Read a first time and passed to a second reading on to-morrow.

By Mr. Goodenow:

No. 86. A bill to amend the 12th section of an act entitled an act prescribing the duties of county treasurers, approved February 12, 1841;

Read a first time and passed to a second reading on to-morrow.

By Mr. Jackson:

No. 87. An act to amend an act prescribing a more uniform mode of doing township business;

Read a first time and passed to a second reading on to-morrow.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

ORDERS OF THE DAY.

The first thing in the orders of the day was bill

No. 62. A bill to amend an act entitled an act to incorporate the

New Albany Patent Bagging Manufacturing Company, approved January 29, 1842;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

The Speaker laid before the House a communication from the Auditor of State;

Which was, on motion, referred to the committee on the State prison.

No. 64. A bill to appoint an inspector of salt;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint resolution No. 65. A memorial and joint resolution, instructing our Senators and requesting our Representatives in Congress to procure a grant of lands in the Vincennes district, for the completion of the *Wabash* and Ohio canal;

Read a second time and referred to the committee on canals and internal improvements.

No. 67. A bill to amend an act entitled an act to amend an act entitled an act to incorporate the Liverpool bridge company;

Read a second time and referred to the committee on corporations.

No. 68. An act supplemental and amendatory to an act subjecting real and personal property to execution, approved February 4, 1841, approved January 8, 1842.

Read a second time; when,

Mr. Brown of M. moved to amend the bill, so as to extend the provisions to judgements on forfeited recognizances;

Which was amended; when,

On motion of Mr. Foulke,

The bill and pending amendment were referred to the committee on revision; thereupon,

Mr. Gorman moved to instruct the committee to extend the same to the securities of all ministerial officers for non-feasance of duty, but not to the officer;

Which was agreed to.

Mr. Rich moved to instruct the committee to incorporate in said bill the following section, to wit:

That the provisions of this act shall not extend to judgements or legal proceedings against State, county, or township officers, or executors, administrators or guardians, for *misfeasance*, *malfeasance* or *non-feasance* in office, nor to attorneys for refusing to pay over moneys collected by them as such, nor against any bank or savings institution, or insurance office;

Which was agreed to.

Mr. Wilson thereupon moved to reconsider the vote just taken on the adoption of Mr. Rich's instructions;

Which motion prevailed.

The question then recurring, shall the instructions and amendment be adopted;

Which was decided in the negative.

No. 59. A bill relative to the duties of the clerks of the several circuit courts in this State;

Read a second time and referred to the committee on revision.

Mr. Brown of M. moved to suspend the rule in order to take up the following message of the Senate:

Which motion prevailed.

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, with several amendments, entitled as follows, viz:

No. 8. An act to postpone the sale of delinquent lands;

In which amendments the concurrence of the House of Representatives is respectfully requested.

No. 8. A bill mentioned in said message, was then taken up, the amendment concurred in;

When Mr. Bradley moved to further amend, by adding immediately after the word "made" in the third line of third section, "or the Treasurer of State who is hereby authorized to receive the same;"

Which amendment was adopted.

No. 70. An act to change the time of holding courts in the 7th judicial circuit;

Read a second time, and ordered to be engrossed for a third reading.

No. 71. An act to confine the voters of Tippecanoe county to their respective townships;

Read a second time, and referred to the committee on revision.

No. 72. A bill fixing the time of holding the courts in the 6th judicial circuit;

Read a second time, and referred to a select committee of Messrs. Tingley, Lowe, Brown of R., Claypool, Meeker, Osborn, Hiatt, Stratton, Foulke, Montague, Parker and Summers.

No. 73. A bill to amend the act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians; approved Feb. 17, 1838;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 75. A bill in relation to the wearing apparel of decedents;

Read a second time, and referred to the committee on revision.

BILLS ON THIRD READING.

No. 16. of the Senate. An act to legalize the acts of the clerk of the Tippecanoe circuit court;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 35. An act to extend in part, the provisions of an act to com-

pel speculators to pay a road tax equal to that paid by actual settlers, in certain counties therein named;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 54. An act to legalize the assessment in Steuben county for the year 1842;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 57. An act relative to the mode of doing township business in Tippecanoe county;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 59. An act to repeal an act therein named;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House then took up the following message of the Senate:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed an engrossed bill, No. 38. A bill providing for a special term of the *Montgomery* circuit court and for other purposes, in which the concurrence of the House is respectfully asked;

No. 38. A bill mentioned in said message, was then taken up, read a first, second and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Brown of *M.*, (on leave granted,)

Resolved, That the committee on the judiciary be authorized in their discretion to hand over to the committee on revision, all bills and resolutions now before them of a general nature, which in their opinion ought to be inserted in the revision.

Mr. English from the committee on enrolled bills made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House, and find the same truly enrolled, to-wit:

No. 22. A bill for the relief of Reuben Main.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

The Senate has passed without amendment an engrossed bill of the House of Representatives, entitled

No. 22. An act for the relief of Reuben Main;
Which was taken up and read.

Mr. English made the following report from the committee on enrolled bills:

MR. SPEAKER:

The committee on enrolled bills have compared the enrolled with the engrossed bill of the House of Representatives, and find the same truly enrolled, to-wit:

No. 6. An act to legalize an election therein named, and for other purposes.

And the House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, DEC. 20, 1842.

The House met pursuant to adjournment.

The House took up the following message of the Senate:

MR. SPEAKER:

The Senate has passed without amendment, an engrossed bill of the House of Representatives, entitled as follows, viz:

No. 15. An act concerning a certain estate without known heirs;

The Senate has also passed an engrossed bill, memorial, and joint resolution thereof, entitled as follows, viz:

No. 19. An act to provide for the summoning and empannelling jurors in the counties of Delaware, Grant and Tippecanoe;

No. 29. A joint memorial to Congress praying for a donation of lands, on behalf of the rangers and militia in the service of the United States, during the last war;

No. 30. A joint resolution of the General Assembly of the State of Indiana, respecting United States Pensioners;

In which bill, memorial and joint resolution, I am directed to request the concurrence of the House of Representatives.

No. 19. A bill in said message mentioned, was then taken up;

Read a first time and passed to a second reading on to-morrow.

Said joint memorial, No. 29, mentioned in said message, was then taken up, read a first time and passed to a second reading on to-morrow.

Also, said joint resolution, No. 30, mentioned in said message, was

then taken up, read a first time and passed to a second reading on to-morrow.

PETITIONS WERE PRESENTED.

By Mr. Gorman, the petition of D. A. Maxwell and others, citizens of Monroe county, for relief on a certain subject therein mentioned.

Which was referred to a select committee of Messrs. Gorman, Sluss and Norvell.

By Mr. Swihart, the petition of N. O. Ross and others, of Miami and Wabash counties, praying for the location of a certain state road therein named;

Which was referred to a select committee of Messrs. Swihart, Carter, Sumner, Wheeler and Brown of White.

By Mr. Carter, the petition of Benj. Ganson and others, citizens of Cass county, upon the subject of agriculture;

Which was referred to the committee on agriculture.

By Mr. Carter, the petition of Capt. S. S. Tipton, on a certain subject therein named;

Which was referred to the committee on military affairs.

By Mr. Swihart, the petition of Peter Tombough and others, citizens of Miami county, in relation to the law of forceable entry and detainer;

Which was referred to the committee on revision.

By Mr. Gilbert, the petition of David B. Wallace and others, citizens of Delaware county, in relation to the vending of Foreign Groceries;

Which was referred to the committee on revision.

Mr. Tingley a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of Henry B. Hill and others, have had the same under advisement, and instructed me to report the following bill and recommend its passage :

No. 88; A bill to legalize the acts of Isaacc Tullis, late a justice of the peace for Rush county;

Read a first time and passed to a second reading on to-morrow.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of this House, directing them to enquire into the

expediency of making Bank and State Scrip, receivable for interest on Wabash and Erie Canal lands, have had the same under consideration, and directed me to report that it is, in their opinion, inexpedient to legislate on that subject at this time;

Which report was, on motion of Mr. Robinson, laid on the table.

Mr. Clements from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred a bill, No. 66. entitled a bill, to authorize the construction of the towing path bridge at Carrollton, have had the same under consideration and directed me to report, strike out the whole bill and insert a new bill.

Which amendment was concurred in, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove Chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 31, entitled a bill, in relation to the town of Laporte, have had the same under consideration, and a majority of the committee have directed me to report the same back to the House with one amendment, and then recommend its passage;

Amend by striking out the following words, in section 3, to-wit:

"And to prevent any and all animals running at large therein, and to take up, impound, and if necessary, sell the same;"

Which amendment was concurred in, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove from the same committee, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 58, entitled a bill to incorporate the Lafayette band, have had the same under consideration, and directed me to report the same back to the House with two amendments, and recommend its passage;

Which amendments were concurred in, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove from the same committee, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill No. 55, entitled a bill, to amend an act, entitled an act, to incorporate the Wayne, Union, and Randolph turnpike company, and the Union and Wayne turnpike company; approved 24th January, 1842, have had the same under consideration, and according to order, have directed me to report the same back to the House, with one amendment, and then recommend its passage;

Amend by striking out the "2d section;"

Which amendment was concurred in, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Brown of M., chairman of the judiciary committee, made the the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of Doctor Daniel M. Spencer, have had that subject under consideration and beg leave to report, that in the main, they are oppsoed to granting divorces by legislative enactments; but the high respectability of the memorialist, and the peculiar circumstances attending the case, as developed in the testimony, tend to convince the committee that the present is a case where legislative interference would be right and proper; a majority of said committee have, therefore, directed me to report the following bill:

No. 89. A bill for the relief of Dr. Daniel M. Spencer,

Read a first time and passed to a second reading on to-morrow.

Mr. Bradley, chairman of the committee on education, reported the following bill:

No. 90. A bill for the relief of school district No. 2, in townships No. 35 and 36 north, of range No. 2 west, in Laporte county;

Read a first time and passed to a second reading on to-morrow.

Mr. Davis of S., chairman of the committee of ways and means, reported the following bill:

No. 91. A bill to provide for the recording of a State road in Sullivan and Vigo counties;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Edmonson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of John S. Martin and others, asking a certain State road therein named, have had the same under consideration and have directed me to report the following bill:

No. 92. A bill to locate a State road in the county of Dubois;
Which was read a first time and passed to a second reading on to-morrow.

Mr. Carter, from a select committee reported the following bill:

No. 93. An act for the relief of Jacob Bookwalter;

Read a first time and passed to a second reading on to-morrow.

Mr. Gorman offered for adoption the following resolution:

MR. SPEAKER:

The joint committee on revision have met, and after examining into the probable extent of labor consequent upon the faithful discharge of their duty, unanimously directed me to report the following resolution and recommend its adoption:

Resolved, That when this House adjourn on Tuesdays and Fridays at 12 o'clock, they will adjourn until the next morning 9 o'clock, the Senate concurring therein.

Mr. Thompson, moved to amend by adding "the Senate concurring therein;"

Which amendment was adopted.

Mr. Brown of *M.* moved to amend by striking out Friday, and insert Saturday;

Which motion was lost.

The resolution as then amended was adopted.

RESOLUTIONS WERE THEN OFFERED.

On motion of Mr. Foulke,

Resolved, That the committee on education be instructed to enquire into the expediency of appointing a superintendent of common schools, or devise some other mode of rendering the common school system more efficient.

On motion of Mr. Simonson,

Resolved, That the committee on the affairs of the State prison be instructed to enquire into the expediency of incorporating a joint stock company, for the purpose of constructing a canal around the falls of the Ohio river. One-half of the stock to be subscribed by individuals, and the balance by the State of Indiana; that part taken by the State, to be paid in the labor of the convicts in the State prison.

Mr. Cooley offered for adoption the following resolution:

Resolved, That the committee of ways and means be requested to enquire into the expediency of reporting a bill to this House, to cause all contracts made from and after the first day of April next, to be collected without regard to stay or appraisement laws;

And, the ayes and noes having been demanded by Messrs. Brown of *M.* and Wilson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of D., Brown of R., Claypool, Cooley, Cuppy, Davis of M., Dufour, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Hiatt, Jones, Leslie, Lewis, Logan, Meeker, Mitchell, Montague, Moore of F., O'Neal, Osborn, Patrick, Strain, Stratton, Summers, Swihart, Thompson, and Wheeler.—36.

Those who voted in the negative were,

Messrs. Brown of M., Brown of W., Butler of R., Butler of V., Butterfield, Carter, Chrisman, Clements, Coffin, Davis of S, Denny, English, Fuller, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Lee, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Millikin, Moore of O., Myers, Nees, Nelson, Norvell, Parker, Peake, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Sumner, Tevis, Tingley, Whight, Williams, Wilson and Mr. Speaker.—58.

So said resolution was not adopted.

On motion of Mr. Stratton,

Resolved, That the committee of ways and means be, and they are, hereby, instructed so to amend the revenue law as to fix the price to be paid to printers for publishing the delinquent list of lands, &c., in the several counties in this State, so as to be uniform throughout; also, to make provisions as to whom they are to look to for pay, for publishing such delinquencies, whether to the Treasurer of State or to the treasurer of their respective counties, or otherwise, as they may think most advisable.

On motion of Mr. Edwards,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of reporting a bill more effectually to secure the public works from damage, by designing or malicious persons.

On motion of Mr. Steele,

Resolved, That the committee on the judiciary be instructed to enquire whether the present law with regard to the fees of county clerks is such that entitle them to pay, by their respective counties for what paper, quills and sand, they use in their offices, or whether it is not the duty of the several clerks to find those articles at their own expense, instead of making a county charge of the same, with leave to report by bill or otherwise.

On motion of Mr. Millikin,

Resolved, That a select committee consisting of the delegation from the third judicial circuit, be appointed to enquire into the expediency of changing the time of holding courts in said circuit.

On motion of Mr. Baker,

Resolved That the committee on military affairs be instructed to enquire into the expediency of repealing an act, approved February 24, 1840, for the better regulation of the militia of the State of Indiana; and, also, an act to amend an act entitled an act organizing the militia of Indiana, approved February 10, 1831, approved February 31, 1842.

On motion of Mr. Bales,

Resolved, That the committee on education be instructed to enquire into the expediency of so amending the school law, so as to give each school district an equal dividend of all the school funds, agreeable to the number of scholars therein, with leave to report by bill or otherwise.

On motion of Mr. Whight,

Resolved, That the committee on the judiciary be requested to enquire into the propriety of reporting a bill to this House restricting the jurisdiction of justices of the peace to their respective townships in all civil cases, with leave to report by bill or otherwise.

BILLS WERE THEN INTRODUCED.

By Mr. Bradley,

No. 94. A bill to amend an act to incorporate the Buffalo and Mississippi Railroad company;

Read a first time and passed to a second reading on to-morrow.

By Mr. Moore of F.,

No. 95. An act to appoint commissioners to determine the county line between the counties of Floyd and Clark;

Read a first time and passed to a second reading on to-morrow.

By Mr. Parker:

No. 96. A bill to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838;

Read a first time and passed to a second reading on to-morrow.

By Mr. Clements:

No. 97. A bill to repeal an act for the election of county assessors, approved February 10, 1841, and to provide for township assessors;

Read a first time and passed to a second on to-morrow.

By Mr. Carter:

No. 98. A bill for the relief of the purchasers of sections 3, 10, and 15, and 22, south, 27 north, of range 1 west;

Read a first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

No. 76. A bill to authorize Isaac Letsenberger to build a mill dam;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 77. An act to authorize Abednego W. Inman, of the county of Dubois to change a certain State road therein named;

Read a second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 78. An act to locate a State road in Pike and Dubois county;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 79. A joint resolution in relation to the grand rapids of the Wabash river;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 80. A bill to change the name of John Cade *alias* John Mitchell;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 83. A bill to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1842;

Read a second time and referred to the committee of ways and means.

Mr. Logan moved to take from the table bill No. 37;

Which motion prevailed;

And, on his motion, the same was referred to a select committee of Messrs. Davis of S., Logan and Moore of O.

No. 84. An act to incorporate the President and trustees of the Evansville Female Seminary;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 85. A bill regulating the issuing of executions of *feri facias*;

Read a second time and referred to the committee on revision.

No. 86. A bill to amend the 12th section of an act prescribing the duties of county treasurer;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 87. A bill to amend the act providing for a more uniform mode of doing township business in the several counties therein named; approved Feb. 17, 1838;

Read a second time, when Mr. Millikin moved to amend as follows:

Provided, That nothing contained in this act shall be so construed as to effect the acts now in force, regulating the mode of doing township business in the county of Dearborn;

When on motion of Mr. Lowe,

The bill and amendment were referred to the committee on revision.

BILLS ON THIRD READING.

No. 13. An act of the Senate to authorize the commissioners of Ripley county to pay the associate judges of said county for services as probate judges;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 23. An act to amend the act relative to granting licenses;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 62. An act to amend an act to incorporate the New Albany patent bagging manufacturing company;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 64. An act to appoint an inspector of salt in certain counties therein named;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 70. An act to change the time of holding courts in the seventh judicial circuit;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. McGuire, their Principal Secretary:

MR. SPEAKER:

The Senate has concurred in the amendment of the *House of Representatives* to the fifth amendment of the Senate to the bill of the House of Representatives, entitled

No. 8. An act to postpone the sale of delinquent lands;

No. 73. "A bill to amend the act entitled an act, to organize probate courts, and defining the powers and duties of executors, administrators, and guardians; approved Feb. 1838;

Was then taken up, read a third time, and

On motion of Mr. Robinson,

Was recommitted to the committee on revision, with the following instruction:

"To use their discretion as to incorporating it in the revision of the General Laws."

And on motion,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DEC. 21, 1842.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed bills and joint resolutions thereof, entitled as follows, viz:

No. 14. An act incorporationg the South Bend Manufacturing company.

No. 28. An act relative to the collection of delinquent taxes;

No. 39. A joint resolution on the subject of obstructions to the navigation of the Mississippi and Ohio rivers, and their tributaries;

No. 47. An act to authorize a special session of the Johnson circuit court;

In which bills and joint resolution the concurrence of the House of Representatives is respectfully requested.

No. 14. A bill in said message mentioned, was taken up, read a first time and passed to a second reading on to-morrow.

Also, No. 28. A bill in said message mentioned, was taken up, read a first time and passed to a second reading on to-morrow.

Also, said joint resolution No. 39. In said message mentioned, was taken up, read a first time and passed to a second reading on to-morrow.

And, also, No. 47. A bill in said message mentioned, was taken up, read a first, second and third times and passed;

Ordered, That the clerk inform the Senate thereof.

Mr. Simonson moved to publish the line of discounts accompanying the report of N. B. Palmer, Esq., bank agent;

Which motion prevailed.

PETITIONS WERE PRESENTED.

By Mr. Thompson, of D. Burr, asking the amendment of the probate laws as therein set forth;

Which was referred to the committee on the judiciary.

By Mr. Hawkins, of citizens of Jay county, praying that the town of Portland might be incorporated;

Which was referred to a select committee of Messrs. Hawkins, Thompson and Prilliman.

Also, of Jane Gillam, praying a divorce from Peter Gillam;

Which was referred to a select committee of Messrs. Hawkins, Thompson and Prilliman.

By Mr. Coffin, of citizens of Vermillion and Parke, asking the establishment of a State road, therein named;

Which was referred to the committee on roads.

By Mr. Shoup, of Spencer Willey and others, in relation to the White Water Valley canal company;

Which was referred to the committee on canals and internal improvements.

By Mr. Cooley, of William Wright and others, in relation to the White Water Valley canal company;

Which was referred to the committee on canals and internal improvements.

By Mr. Carter, of citizens of the county of Cass, in relation to the licensing of groceries and taverns;

Which was referred to the committee on revision.

Mr. Whight, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of this House, requesting them to enquire into the expediency of authorizing the Treasurer of State to redeem State scrip of the denomination of fifties with fives, paid in for State revenue, have according to order, had that subject under consideration, and have directed me to report legislation on that subject inexpedient, and ask leave to be discharged from the further consideration thereof.

Which report was concurred in, and the committee discharged.

Mr. Dufour, a member of the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution of this House, instructing them to enquire into the expediency of abolishing the offices of agent of the surplus revenue, commissioner of the three per cent. fund, and treasurer of the seminary funds in the several counties of this State, and that the duties performed by the officers aforesaid, shall be discharged by the treasurers of each county, have had the same under consideration, and have directed me to report, that in the opinion of said committee, it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of sundry citizens of Henry county, praying the passage of an act to

legalize the appointment of Paul N. Harris and William Mason, as constables of said county, as also, a remonstrance on the same subject, have had that subject under consideration, and a majority of said committee have directed me to report a bill and recommend its passage:

No. 99. An act to legalize the appointment of certain constables in Henry county;

Which was read a first, second and third times and passed;

Ordered, That the Clerk inform the Senate thereof.

Mr. Thompson, a member of the committee on education, made the following report:

MR. SPEAKER:

The committee to whom was referred bill No. 61. A bill to repeal in part, the act entitled an act applying certain funds to education, have had the same under consideration and have directed me to report the same back to the House and recommend that it be indefinitely postponed;

Which report was not concurred in;

Whereupon, Mr. Whight moved to lay it on the table,

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Brown of White, Campbell, Carter, Claypool, Davis of Madison, Dunn, Foulke, Francis, Gilbert, Goodenow, Gorman, Hiatt, Hillis, Matheny, Mathers, Mitchell, Montague, Myers, Nelson, Norvell, O'Neal, Proctor, Sluss, Snook, Summers, Thompson, Wheeler and Whight—31.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Coffin, Cooley, Denny, Dufour, Edmonson, Edwards, English, Fuller, Hardin, Hargrove, Hawkins, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, McCormick, Meeker, Miliken, Moore of F., Moore of Owen, Nees, Osborn, Parker, Patrick, Peak, Prilliman, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Steele, Stewart, Strain, Stratton, Sumner, Swihart, Tevis, Tingley, Williams, Wilson and Mr. Speaker—61.

So said motion did not prevail.

Mr. Moore of O. moved to recommit the bill to a select committee with instructions to repeal the whole law on that subject.

Mr. Lowe moved to amend the instructions as follows:

The following communication was received from his Excellency the Governor, by I. H. Kiersted, his private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on the 20th inst. he approved and signed the following acts:

No. 22. An act for the relief of Reuben Main.

No. 6. An act to legalize an election therein named, and for other purposes;

Which originated in the House of Representatives.

Mr. Shoup moved a division of the question;

Which was seconded.

Mr. Whight moved to indefinitely postpone the whole proceedings until the first Monday in June next;

And the ayes and noes having been demanded by Messrs. Lowe and Whight.

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Campbell, Carter, Clements, Coffin, Cooley, Cuppy, Denny, Dunn, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hargrove, Hiatt, Jones, Lewis, Lingle, Marvin, Mathers, Mitchell, Montague, Myers, Nelson, Norvell, O'Neal, Patrick, Peak, Proctor, Rich, Roberts, Simonson, Sluss, Snook, Steele, Sumner, Swihart, Tevis, Thompson, Wheeler, Whight and Wilson—47.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Davis of Madison, Davis of Sullivan, Dufour, Edmonson, Edwards, English, Fuller, Hardin, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Leyman, Logan, Lowe, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Nees, Osborn, Parker, Prilliman, Real, Robinson, Rose, Shelby, Shoup, Stewart, Strain, Stratton, Summers, Tingley, Williams and Mr. Speaker—50.

So said motion did not prevail.

The question then recurring on the recommitment of the bill;

And the ayes and noes having been demanded by Messrs. Moore of O. and Nees:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butterfield, Claypool, Cooley, Davis of Madison, Davis of Sullivan, Dufour, Edwards, Flannegan, Gorman, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Major, Marsh, Matheny, McCormick, Meeker, Milliken, Moore of F.,

Moore of Owen, Nees, Nelson, Osborn, Patrick, Real, Roberts, Rich, Robinson, Shelby, Shoup, Snook, Stewart, Strain, Tevis, and Tingley—46.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Clements, Coffin, Cuppy, Denny, Dunn, Edmonson, English, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Jackson, Lingle, Logan, Lowe, Marvin, Mathers, Mitchell, Myers, Norvell, O'Neal, Parker, Peak, Prilliman, Proctor, Rose, Simonson, Sluss, Steele, Stratton, Summers, Sumner, Swihart, Thompson, Wheeler, Whight, Williams, Wilson and Mr. Speaker—52.

So said bill was not recommitted; when,

Mr. Edwards moved to amend as follows:

That said officers shall not be required to report the funds on hand unless the said fees shall have remained on hand twelve months, immediately preceding the time required for making out their reports.

Mr. Jackson moved the previous question;

Which was not seconded by the House.

The question then recurring upon the adoption of Mr. Edwards' amendment;

Which amendment was thereupon adopted.

Mr. Bradley moved to amend said section 1st, by striking out all the repealing part thereof.

And the ayes and noes having been demanded by Messrs. Whight and Nees:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of D., Brown of M., Brown of R., Brown of W., Campbell, Carter, Claypool, Clements, Coffin, Cooley, Davis of S., Denny, Dufour, Dunn, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Huckaby, Johnson, Jones, Lee, Lingle, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Myers, Nelson, O'Neal, Patrick, Peak, Proctor, Roberts, Shelby, Simonson, Sluss, Snook, Steele, Strain, Summers, Swihart, Tevis, Thompson, Wheeler, Whight and Wilson.—57.

Those who voted in the negative were,

Messrs. Baker, Bowers, Butler of R., Butler of V., Butterfield, Chrisman, Davis of M., Edwards, English, Fuller, Hawkins, Hodges, Jackson, Leslie, Lewis, Logan, Lowe, Major, Marsh, McCormick, Millikin, Moore of F., Moore of O., Nees, Osborn, Parker, Prilliman, Real, Rich, Robinson, Rose, Shoup, Stewart, Stratton, Sumner, Tingley, and Mr. Speaker.—37.

So said amendment was adopted.

Mr. Robinson moved to refer the bill with amendments to the committee on revision;

Which was agreed to.

Thereupon Mr. Matheny moved to instruct the committee as follows:

Instruction that the committee enquire into the expediency, that the officers making such returns shall be allowed mileage for all such returns made by them, to be paid out of said fund.

Mr. Hillis moved to amend by adding the words "enquire into the expediency;"

Which amendment was accepted by the mover.

Mr. Shoup moved to lay the instruction and amendment on the table;

Which motion prevailed.

Mr. Thompson thereupon moved to reconsider the vote taken on the commitment of the bill;

Which motion did not prevail.

Mr. Tingley, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of William Dixon, *et al.*, have had the same under advisement, and instructed me to report the following bill and recommend its passage:

No. 100. A bill for the relief of Job B. Eldridge, Thomas J. Cummings and Isaac Clavey and other persons;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of John Sour and others, praying the passage of an act authorizing the said John Sour to erect a mill dam across the Wabash river in Wells county, have had that subject under consideration and have directed me to report the following bill:

No. 101. A bill to authorize John Sour to build a mill dam across the Wabash river;

Read a first time and passed to a second reading on to-morrow.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House instructing said committee to enquire into the expediency of so amending the execution law, as to require in all cases that no levy shall be made on the property of the defendant out of the county, where the judgment was obtained, when sufficient can be found in said county, have had the same under consideration and have directed me to report, that it is inexpedient to legislate upon that subject and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee discharged.

Mr. Gorman, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of Catharine Owens and others, for the relief of Alexander Owens, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 102. A bill for the relief of Alexander Owens;

Read a first time and passed to a second reading on to-morrow.

Mr. Norvell, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred a resolution enquiring into the expediency of so amending the school law, as to loan school funds on mortgage security at two thirds its fair valuation, have had that matter under consideration, and report it inexpedient to legislate on that subject at this time, and wish to be discharged from its further consideration;

Which report was concurred in, and the committee discharged.

Mr. Leslie, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred bill No. 50, entitled a bill to vacate a portion of a certain State road, have had that subject under consideration, and have directed me to report the same without amendment;

Which bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Butler of R., a member of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred a resolution instructing said committee to enquire into the expediency of so amending the road law, that the supervisors of roads have the power to collect the tax levied by the board doing county business, for road purposes, where it is not paid in work, and lay the same out on the roads of their respective districts, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Alexander Beard for relief, have had the same under consideration, and have directed me to report a bill;

No. 103. A bill for the relief of Alexander Beard;

Read a first and second times, and,

On motion of Mr. Moore of O.,

Was laid on the table.

Mr. Stratton, chairman of the committee on federal relations, made the following report:

MR. SPEAKER:

A majority of the committee on federal relations, to whom was referred a resolution instructing them to report to this House a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the speedy repeal of so much of the late tariff law imposing a duty on salt, and all other absolute necessities of life, have had that subject under consideration, and have directed me to report herewith, a joint resolution in accordance with said command, for the consideration of the House; but your committee not knowing the amount that the citizens of the State of Indiana have to pay on salt, imported under the provisions of said tariff, and not exactly understanding what all the absolute necessities of life may be meant to include under such instructions, they have come to the conclusion that we had better let it be; and therefore recommend the indefinite postponement of said joint resolution;

The question on the indefinite postponement of said report, was then taken and decided in the negative.

Mr. Edwards from a select committee, made following report:

MR. SPEAKER:

The committee appointed for the pupose of reporting a joint resolution memorializing Congress relative to the navigation of the western rivers, have had that subject under consideration and directed me to report the following preamble and joint resolution, and recommend its passage:

No. 104, A joint resolution memorializing Congress, relative to the navigation of the Mississippi and Ohio rivers;

Read a first time and passed to a second reading on to-morrow.

Mr. English, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, and find the same truly enrolled, to-wit:

No. 8. An act to postpone the sale of delinquent lands and lots.

No. 15. An act concerning a certain estate without known heirs.

Mr. Shoup, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution, directing them to enquire into the expediency of repealing a certain act, declaring White Water river a navigable stream, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 105. A bill to repeal all acts, or parts of acts declaring the White Water river a navigable stream;

Read a first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Maguire their Pincipal Secretary:

MR. SPEAKER:

The Senate has passed an engrossed joint resolution thereof, entitled,

No. 39. A joint resolution asking aid of Congress [to improve the navigation of the Wabash river;

In which I am requested to ask the concurrence of the House of Representatives.

Mr. Tevis, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred a bill for the relief of the people of Indiana, have had that subject under consideration, and have directed me to report that they cannot agree on any bill of that character, and ask to be discharged from its further consideration;

Which report was concurred in, and the committee discharged.

Mr. Thompson, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of the citizens of Allen county, praying for a change in the term of the Allen circuit court, have had that subject under consideration, and have directed me to report the following bill:

No. 106. An act changing the time of holding the Allen circuit court;

Read a first, second and third times and passed;

Ordered, That the clerk inform the Senate thereof:

Mr. Gorman introduced the following bill:

No. 107. A bill to reinstate a certain tract of seminary lands therein named;

Read a first and second times, and referred to the committee on the judiciary.

RESOLUTIONS WERE PRESENTED.

By Mr. Gorman:

MR. SPEAKER:

The committee on revision recommend to this House the propriety of the appointment of a select committee on revision to take charge of the boundaries of the State, counties, and townships, to be composed of surveyors, if such can be found in this House.

Mr. Whight moved to amend by striking out townships;

Which was agreed to by the mover.

Then said request was concurred in.

On motion of Mr. Logan,

Resolved, That the committee on education be, and they are, hereby, instructed to enquire into the expediency of reporting a bill to this House, providing that all lands mortgaged to the school fund when offered for sale by the school commissioner under such mortgage, shall sell for at least two-thirds of their appraised value, and not otherwise.

On motion of Mr. Tevis,

Resolved, That the committee on federal relations be instructed to

enquire into the expediency of memorializing the Congress of the U. States to enact a law adopting the valuation law of this State, on all property that may be hereafter taken upon execution on judgments, decrees, and orders of the supreme and district courts for the district of Indiana. And also, to enquire into the expediency of memorializing Congress to enact a law abolishing imprisonment for debt; and, further, if said committee should find said subject matters expedient, to report a memorial accordingly to this House.

Mr. Huckaby offered the following preamble and resolution:

WHEREAS, The 21st section of an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841, declaring the lien of the State for all taxes of State, county, roads and other purposes shall attach on all real estate, on the first day of March annually; AND, WHEREAS, the 23d section of the aforesaid act declares that every person, body politic or corporate, shall be bound to list and stand chargeable with tax on all personal property subject to taxation by law, owned or possessed on the first day of March annually; AND, WHEREAS, the 1st section of an act entitled an act giving further time to assessors, approved January 22d, 1842, giving assessors from the first of January to the 25th of day of May in each year, to discharge their duties, &c.; therefore,

Resolved, That the committee on ways and means be instructed to enquire into the expediency of so amending the law relative to the levying and collecting taxes, so that liens contemplated by law take place on the first day of January annually, with leave to report by bill or otherwise.

On motion of *Mr. Shoupe*,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of fixing by law a uniform fee to be charged by the clerks of the several counties in this State, for making out papers of naturalizations.

On motion,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker announced the following gentlemen a select committee on revision, in pursuance of a request made by *Mr. Gorman*, chairman of the standing committee on revision of this House, to wit:

Messrs. Brown of M., Montague and Carter.

On motion of *Mr. Brown of R.*,

Resolved, That the clerk of this House be instructed to ascertain why the State printers have not complied with the order of this House in printing the reports of the committee on elections, in the case of the contested seat of *Mr. Beall*, together with the accompanying documents and report the same to this House.

On motion of Mr. Denny,

Resolved, That the committee on education be instructed to enquire into the expediency of providing by law for the keeping of two schools in the same school district, when the number of persons between five and twenty-one years of age in such district shall exceed seventy-five.

On motion of Mr. Summers,

Resolved That the committee on the judiciary be instructed to enquire whether the word fines in the third section of the ninth article of the constitution of the State of Indiana, does extend to, and include forfeitures on recognizances' bonds, in criminal cases, and report their conclusion to this House.

On motion of Mr. Marsh,

Resolved, That the Governor be requested to furnish this House with a copy of the contract, (if any,) with J. R. Pratt and John McDougal, for the building of a penitentiary, as contemplated by the act of last session.

On motion of Mr. Butler of V.,

Resolved, That the committee on revision be requested to so arrange the laws defining the duties of justices of the peace, so as to allow them to make all their annual returns required of them by law, at one time.

On motion of Mr. Millikin,

Resolved, That the committee on revision to whom was recommended a bill to repeal, in part, the act entitled an act applying certain funds to the purposes of education, be instructed to enquire into the expediency of allowing clerks and justices who have failed to make returns last August, in accordance with the law above referred to, to make such report some time hereafter.

On motion of Mr. Montague,

Resolved, That the committee on roads enquire into the expediency of amending the 51st section of the road law, approved February 17, 1838, so far as the same requires supervisors to call all the hands to work at least two days on roads, previous to the 1st day of July in each year, and insert previous to the 1st day of September, in each year.

BILLS WERE THEN INTRODUCED.

By Mr. Roberts:

No. 108. An act for reducing the expenses of Putnam county, and for selecting petit jurors therein;

Read a first time and passed to a second reading on to-morrow.

By Mr. Jones:

No. 109. A bill to provide for a transfer of such of the public works, over to such companies as shall complete 10 miles of the same agreeably to the act entitled an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal im-

provements, and offices of fund commissioner and chief engineer, approved January 28, 1842;

Read a first time and passed to a second reading on to-morrow.

By Mr. Francis:

No. 110. A bill relative to voting in Laporte county;

Read a first time and passed to a second reading on to-morrow.

By Mr. Robinson:

No. 111. A bill for the relief of Adam Clark, a justice of the peace;

Read first time and passed to a second reading on to-morrow.

By Mr. Tevis:

No. 112. A bill for the relief of the people of the State of Indiana;

Read a first time and passed to a second reading on to-morrow.

By Mr. Campbell:

No. 113. An act to amend an act to encourage the raising of sheep and hogs, and to increase the revenue of the State and the wealth of the people, approved February 24, 1842;

Read a first time and passed to a second reading on to-morrow.

By Mr. Millikin:

No. 114. An act to amend an act entitled an act supplemental to an act subjecting real and personal property to execution, approved February 4, 1841, approved January 8, 1842;

Read a first time and passed to a second on to-morrow.

ORDERS OF THE DAY.

No. 19. A bill of the Senate, an act to provide for the summoning and empanelling jurors in the counties of Delaware, Grant and Tippecanoe;

Read a second time and referred to the committee on revision.

No. 29. A joint memorial to Congress praying for a donation of lands on behalf of the rangers and militia in the service of the United States during the late war;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 30. A joint resolution respecting United States pensioners;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 88. A bill to legalize the acts of Isaac Tullis, late a justice of the peace, for Rush county, Indiana;

Read a second time and passed to a third reading on to-morrow.

No. 89. A bill for the relief of Dr. Daniel M. Spencer;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 90. A bill for the relief of school district No. 2, in townships No. 35 and 36 north, of range No. 2 west, in Laporte county;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 91. A bill for recording a State road in Sullivan and Vigo counties;

Read a second time and referred to the committee on roads.

No. 92. A bill to locate a State road in the county of Dubois;

Read a second time and referred to the committee on roads.

No. 93. An act for the relief of Jacob Bookwalter;

Read a second time and passed to a third reading on to-morrow.

No. 94. A bill to amend an act to incorporate the Buffalo and Mississippi Railroad company;

Read a second time and referred to the committee on corporations.

No. 95. A bill to appoint commissioners to determine the boundaries between the counties of Floyd and Clarke;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 96. A bill to amend an act entitled an act to organize probate courts and defining the powers and duties of administrators, executors and guardians, approved February 17, 1838;

Read a second time and referred to the committee on revision.

No. 97. A bill to repeal an act for the election of county assessors, approved February 10, 1841, and to provide for township assessors;

Read a second time; when,

Mr. Brown of M. moved to commit the bill to the committee of ways and means with the following instructions:

To enquire into the expediency of providing for a re-appraisement of all real estate.

Mr. Edwards called for a division of the question, and then moved to change the reference from the committee of ways and means to that on revision;

Which motion did not prevail.

The question then was, shall the bill be referred to the committee of ways and means;

Which was decided in the affirmative.

The question then recurring, shall the instructions, as offered by the gentleman from Marion, be also referred to said committee;

Which was decided in the negative.

Mr. Lowe, thereupon, moved to reconsider the vote just taken on the reference of the instructions to the committee of ways and means, as offered by Mr. Brown of M.;

The question then recurring upon the adoption of the instructions;

Which vote was reconsidered.

Mr. Lowe moved to amend them by adding the words, so as to enquire into the expediency of providing by law for a State board of equalization.

And, the ayes and noes having been demanded by Messrs. Clements and Shoup:

Those who voted in the affirmative were,

Messrs. Brown of D., Carter, Claypool, Cooley, Foulke, Francis, Hawkins, Hiatt, Lowe, Mathers, Meeker, Millikin, Montague, Parker, Shelby, Shoupe, Stratton, Thompson and Tingley.—19.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of M., Brown of R., Brown of W. &c., Butler of R., Butler of V., Butterfield, Campbell, Chrisman, Clements, Coffin, Cuppy, Davis of M., Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Major, Marsh, Marvin, Matheny, McCormack, Mitchell, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peake, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Swilart, Tevis, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—79.

So said motion did not prevail.

The question then recurring upon the adoption of the instructions, and the ayes and noes having been demanded by Messrs. Whight and Parker:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of M., Chrisman, Cooley, Jones, Lewis, Millikin, Peak, Roberts, Rose, Shoupe, and Tingley.—12.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of D., Brown of R., Brown of W. &c., Butler of R., Butler of V., Butterfield, Campbell, Carter, Claypool, Clements, Coffin, Cuppy, Davis of M., Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Mitchell, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Prilliman, Proctor, Real, Rich, Robinson, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—84.

So said instructions were not adopted.

No. 98. A bill for the relief of the purchasers of sections 3, 10, 15, and 22, town. 27 north, of range 1 west;

Read a second time and referred to the committee of ways and means.

Mr. Stratton introduced the following joint resolution:

No. 115. A joint resolution in relation to a portion of our late tariff law;

Read a first time and passed to a second reading on to-morrow.

BILLS ON THIRD READING.

No. 31. An act in relation to the town of Laporte;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 55. An act to amend an act incorporating the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company, approved January 24, 1842;

Read a third and passed.

Ordered, That the clerk inform the Senate thereof.

No. 58. An act to incorporate the Lafayette band;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 66. An act amendatory of an act to authorize the building of a towing path bridge at Carrollton, Carroll county, and for other purposes;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 76. A bill to authorize Isaac Letsenberger to build a mill dam;

Read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

No. 78. An act to locate a State road in Pike and Dubois counties;

Read a third time and passed;

Ordered, That the Clerk inform the Senate thereof.

No. 79. Joint resolution in relation to the grand rapids of the Wabash river;

Read a third time, when,

On motion of Mr. Clements,

The joint resolution was recommitted to the committee on canals and internal improvements.

No. 80. An act to change the name of John Cade *alias* John Mitchell;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 84. An act to incorporate the president and trustees of the Evansville female seminary;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 86. An act to amend the 12th section of an act prescribing the duties of county treasurers, approved Feb. 12, 1841;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

The following communication was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency the Governor, to inform the House of Representatives that he has this day approved and signed the following acts:

No. 8. An act to postpone the sale of delinquent lands and lots.

No. 15. An act concerning a certain estate without known heirs;
Which originated in the House of Representatives.

On leave being granted, Mr. Gorman chairman of the committee on revision, reported a bill;

Part 1st. Entitled a bill, concerning the boundaries, jurisdiction, division, civil government and internal administration of the State of Indiana;

Which was read the first and second times, and,

On motion of Mr. Shoup,

The House then resolved itself into a committee of the whole on the bill just read;

Mr. Shoup in the chair, and after spending some time therein, the chairman reported the proceedings had in committee, and asked leave to sit again;

Which leave was granted by the House.

And, on motion,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DEC. 22, 1842.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 4. An act in relation to the docketing of causes in the Lake circuit court;

No. 11. An act fixing the time of holding the terms of the board of commissioners in the county of Porter.

The Speaker laid before the House the following communication from Michael G. Bright, State Agent:

OFFICE OF STATE AGENT, }
 INDIANAPOLIS, DEC. 20, 1842, }

Hon. T. J. Henley,

Speaker, &c.

I have made to his Excellency, the Governor, a distinct communication on the subject of our affairs with the Morris Canal and Banking Company, which the public interest requires, in my opinion, should not be published. To that communication I would respectfully refer you.
 M. G. BRIGHT, Agent.

Also, the following communication of Joseph F. Brown, Esq., Principal Clerk of the House of Representatives, which was made in obedience to a resolution of this House:

HOUSE OF REPRESENTATIVES, }
 DEC. 22, 1842. }

Hon. T. J. Henley,

Speaker:

SIR:—In obedience to a resolution adopted by this House on yesterday, I called upon the State Printers, and enquired why they had not furnished the reports and testimony in the case of the contested election of Enos Beall, as ordered to be printed by the House of Representatives, and received in answer, that they had been engaged in sitting up the voluminous report of M. G. Bright, Agent of State; that being now finished, they would immediately proceed to publish the reports and testimony in question.

Respectfully, your obedient servt.,

JOSEPH F. BROWN,

Principal Clerk, H. of R.

The Speaker laid before the House the report of his Excellency, Samuel Bigger, in relation to the State Prison, which was read and referred to the committee on the State Prison.

Mr. Rose, a member of the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections to whom was referred a bill of the House, No. 40, "amendatory of the law regulating general elections," have had the same under consideration, and have directed me to report, that in as much as they have ascertained that the committee of revision have had the same subject under advisement, and have incorporated the same amendments in the law regulating general elections, the committee therefore respectfully ask to be discharged from the further consideration of the subject;

Which report was concurred in, and the committee was discharged.

Mr. Strain, a member of the same committee, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the resolution of the House, to enquire into the expediency of so providing by law that in apportionment, the county of Brown alone shall have the floating member between the counties of Lawrence, Monroe and Brown, as now is apportioned to the two latter counties, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the same and ask to be discharged from further consideration on that subject;

Which was concurred in, and the committee discharged.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a resolution instructing said committee to enquire into the expediency of amending the law in relation to coroners, so as to authorize county treasurers to make sale of the goods or property found on the body of deceased transient persons, when there are no heirs or claimants, have had that subject under consideration, and have directed me to report, that in the opinion of the committee, the present laws are sufficient, as the property of persons dying without heirs, after the expenses of administration are paid, escheat the State, they therefore, deem further legislation on the subject as unnecessary, and ask to be discharged from the further consideration of the subject;

Which report was concurred in, and

On motion of Mr. Simonson,

Was referred to the committee on revision.

Mr. Matheny, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution to enquire into the expediency of authorizing debtors to give judgment bonds, upon which judgments may be rendered by justices of the peace, or that the clerk of the circuit courts may enter judgment in vacation of the courts, have directed me to report it back and ask leave to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Mr. Leslie, chairman of the committee on roads, made the following report;

MR. SPEAKER:

The committee on roads, to which was referred a petition of sundry citizens of St. Joseph county, praying the location of a certain State road, have had the same under consideration, and find that the law requiring publication of the intention to apply for said road, has not been observed, have therefore directed me to report that legislation upon that subject is inexpedient;

Which was read and concurred in.

Mr. Logan, chairman of the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred the petition of D. Embree and others, citizens of Cass county, asking such a modification of the acts in relation to agricultural societies, as shall hereafter make it the imperative duty of the board doing county business in the county of Cass, to appropriate annually in aid of the society, out of the county treasury, a sum not less than fifty dollars, have had the subject therein contained under consideration, and have directed me to report that they feel well assured that in the present pecuniary condition of the country, it is inexpedient to grant the prayer of the petitioners at this time, and ask to be discharged from the further consideration of the subject;

Which was read and concurred in.

Mr. Davis of S., from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred a bill "relating to the summoning petit jurors in Sullivan county, have instructed me to report the same back to the House with an amendment extending the provisions of said bill to the counties of Owen, Madison and Vermillion, in which amendment I am directed to ask the concurrence of the House;

No. 27. A bill regulating the summoning petit jurors in Sullivan county;

Read a second time and referred the committee on revision.

Mr. Thompson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of the citizens of Huntington county, praying relief, have had the same under consideration, and have directed me to report the following bill:

No. 116. A bill for the relief of the citizens of Huntington county; Read a first time and passed to a second reading on to-morrow.

Mr. English, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives and find the same truly enrolled, to-wit:

N. 4. An act in relation to the docketing of causes in the Lake circuit court;

No. 11. An act fixing the time of holding the terms of the board of commissioners in the county of Porter.

RESOLUTIONS PRESENTED.

On motion of Mr. Swihart,

Resolved, That the committee on education be required to enquire into the expediency of so amending the school law, as to make it the duty of the county assessors to take annually, a correct enumeration of all the white youths between the ages of five and twenty-one years in each Congressional township, and report the same under oath to their respective county auditors.

On motion of Mr. Wheeler,

Resolved, That the committee on canals and internal improvements be instructed to enquire into the expediency of authorizing another appraisement of canal lands, lying in the counties of Fulton, Marshall, Lake and Porter, and report to this House the result of such inquiry.

Mr. Flannegan offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so altering or amending the law, that it shall be made the duty of all persons who may hereafter present petitions to the General Assembly, to make publication of their intention so to do in the news-papers of their respective counties, if any be printed in such counties; if not, by written notice in all cases, not less than thirty days. And that a copy of such news-paper, or other publication shall accompany the petition when presented;

Which was not adopted.

On motion of Mr. Leslie,

Resolved, That a select committee be appointed to enquire into the expediency of repealing the law making it penal to sell coffee and tea without license, with leave to report by bill or otherwise; whereupon,

The Chair appointed Messrs. Leslie, Robinson and Davis of S. said committee.

On motion of Mr. Jones,

Resolved, That the committee on revision be instructed to enquire into the expediency of providing for a repeal of the *proviso* to the 17th

section of an act pointing out the mode of levying taxes, approved February 12, 1841.

On motion of Mr. Hodges,

Resolved, That the committee on revision be instructed to enquire into the expediency of so arranging the law authorizing elections in the different townships in the several counties, as to have all their annual elections to come on the same day.

On motion of Mr. English,

Resolved, That the judiciary committee be instructed to enquire into the expediency of providing by law, that the election of all officers by the Legislature shall hereafter be *viva voce* in place of the present system of electing by ballot, and report by bill or otherwise.

On motion of Mr. Norvell,

Resolved, That the committee on revision be instructed to enquire into the expediency of repealing so much of the act, approved January 20, 1831, regulating the duties of clerks of the circuit court, as require said clerks to make out a complete record thereof, contained in the 9th section of said act.

On motion of Mr. Mitchell,

Resolved, That the committee on the judiciary enquire into the expediency of reporting a bill permanently fixing the time of holding courts in the different judicial circuits.

On motion of Mr. Norvell,

Resolved, That the committee on the judiciary be instructed to amend the law regulating the duties and fees of county auditors, so as to make it the duty of each county auditor to procure the tract-books, when necessary, for the taxing lands, &c., from the several land offices in which district they may be situated; and, also, repeal that part of the law that allows the auditors of the several counties to 12½ for cancelling deeds to lands, &c.

BILLS INTRODUCED.

By Mr. Robinson,

No. 117. A bill to increase the width of the Frankfort road;

Read a first time and passed to a second reading on to-morrow.

The Speaker laid before the House a communication from His Excellency, Samuel Bigger, transmitting an address from foreign bond holders, residents of England;

Which was referred to the committee on the canal fund.

Mr. Hillis introduced the following bill:

No. 118. An act to define and regulate the duties of Notaries Public, and to impose a tax on protest;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Tevis,

No. 119. A bill for the relief of the people of Indiana;

Which was read a first and second times; when,

Mr. Foulke moved to refer it to the committee on the judiciary. Whereupon,

Mr. Lowe moved to lay it on the table;

Which motion was lost.

Mr. Shoup moved to instruct the committee as follows:

To strike out two years wherever it may occur; also, insert at the end of the first section of the bill, "that at the expiration of such stay, such defendant's property shall sell for one-half of its fair cash value.

Mr. Thompson moved to instruct as follows:

With instructions to incorporate a provision to compel creditors to pay costs in all cases where the debtor shall have tendered to said creditor choice of his property or treasury notes, prior to the commencement of suit, and prohibit the collection of all debts by law that may be contracted after the first day of March next, except such debts as shall be contracted for labor performed; which debts so contracted shall not be subject to the present appraisement laws.

Mr. Hillis, thereupon, called for a division of the question.

The question then recurring was, shall the bill be committed;

And the ayes and noes having been demanded by Messrs. Hillis and Shoupe:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of D., Brown of W., Butler of V., Campbell, Davis of S., Dufour, Edwards, Foulke, Francis, Goodenow, Huckaby, Jones, Lewis, Lingle, Lowe, Marsh, Marvin, Mathers, Millikin, Nees, O'Neal, Proctor, Rich, Robinson, Shelby, Shoup, Simonson, Sluss, Snook, Summers, Sumner, Swihart, Thompson, Tingley, Wheeler, and Whight.—39.

Those who voted in the negative were,

Messrs. Bales, Brown of M., Brown of R., Butler of R., Butterfield, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of M., Denny, Dunn, Edmonson, English, Flannegan, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Lee, Leslie, Logan, Major, Matheny, McCormick, Meeker, Mitchell, Montague, Moore of F., Moore of O., Myers, Nelson, Norvell, Osborn, Parker, Patrick, Peak, Prilliman, Real, Roberts, Rose, Stewart, Strain, Tevis, Williams, Wilson and Mr. Speaker.—56.

So said bill was not ordered to be committed.

Mr. Clements, thereupon, moved a reconsideration of the vote just taken upon the commitment of the bill;

Which vote was reconsidered.

The question then recurring, shall the bill be committed.

The ayes and noes having been demanded by Messrs. Myers and Major:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Davis of M., Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of O.; Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—91.

Those who voted in the negative were,

Messrs. Butterfield, Coffin, Davis of S., Hodges, and Myers.—5

So said bill was ordered to be committed.

Mr. Carter moved to commit it to a select committee of thirteen; one from each judicial circuit, and one from the State at large.

Mr. Shoup moved to commit it to a select committee of five.

The question then recurring, shall it be referred to the judiciary committee;

Which was not agreed to.

The question then recurring on its commitment to a select committee, as proposed by Mr. Carter;

Which was agreed to.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker announced the following gentlemen said select committee, to wit:

Messrs. Carter, Tevis, Millikin, Nelson, English, Hillis, Whight, Claypool, Nees, Campbell, Moore of O., Dunn, Thompson and Brown of Marion.

Mr. Rich moved to instruct the committee as follows:

So to amend the bill as that when security is not given by the defendant that property shall sell on a credit of two years, at three-fourths of its appraised value;

Which amendment was not adopted.

Mr. Bradley moved the following:

And further instructing, to exempt from the operation of the law all judgments for public funds, or in favor of the State or the State Bank, and against any public officer;

Which was not adopted.

The question then recurring upon the adoption of the instruction offered by Mr. Shoup; when,

Mr. Hargrove moved to strike out the latter clause of said instructions;

Which motion prevailed.

The question then recurring on the adoption of the instruction as amended;

Which was not agreed to.

The question then recurring on the adoption of the instructions offered by Mr. Thompson;

Which was not adopted.

Mr. Gorman moved to instruct the committee as follows:

At the end of the first section of the bill add, "and at the expiration of such stay of two years, the property of the defendant if levied upon shall not sell for less than three-fourths of its fair appraised value;

Which was not agreed to.

Mr. Thompson moved to instruct the committee as follows:

To incorporate a provision authorizing debtors to have their lands set off to their creditors in full satisfaction of executions, at a fair cash value, with the privilege on the part of the execution defendant to redeem the same with interest in one year after such set off.

Mr. Myers moved to amend Mr. Thompson's instructions as follows:

To require that at the end of the stay of execution, no property shall be sold for less than its full value;

Which was not adopted.

The question then recurring on the adoption of Mr. Thompson's instructions;

Which was not adopted.

On motion of Mr. Brown of M.,

The House resolved itself into committee of the whole on bill

No. 52. A bill to provide for the reception of certain treasury notes in payment of county revenue, and for other purposes—

Mr. Hillis in the Chair, and having spent some time therein, and proposed several amendments to said bill, the committee rose, and through their Chairman reported several amendments to the same, and asked the concurrence of the House therein.

The two first of which were concurred in, viz:

Except in payment of judgments already rendered against county collectors and their securities.

(Amendment to Section 1st.)

And all such treasury notes when paid out by the county treasurer in payment of county officers, or other county dues, shall be paid out at their face without charging any interest thereon.

Mr. Edwards moved to strike out the first section of the bill as amended.

Mr. Bradley moved further to amend as follows:

To refer the matter relative to county revenue to the people, and let them decide either for or against it by vote on the first Monday in August next.

Mr. Edmonson moved to lay the bill on the table with the pending amendments.

And the ayes and noes having been demanded by Messrs. Marsh and Matheny:

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of D., Cuppy, Edmonson, Flanagan, Gorman, Huckaby, Jackson, Marvin, Mitchell, Nelson, Norvell, Robinson, Sluss, Stewart and Wheeler—17.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of White, Butler of R., Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooly, Davis of Madison, Davis of Sullivan, Denny, Dunn, Dufour, Edwards, English, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Snook, Steele, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams, Wilson and Mr. Speaker—78.

So said bill and amendments were not laid on the table;

The question then recurring on Mr. Bradley's amendment;

Whereupon Mr. Wilson moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put?

Which was decided in the affirmative.

The question then recurring on the engrossment of the bill for a third reading;

And the ayes and noes having been demanded by Messrs. Gorman and Hillis.

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of White, Butler of R., Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Madison, Denny, Dunn, Edmonson, English, Flannegan, Fuller, Gilbert, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marsh, Matheny, Mathers, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Osborn, Parker, Peak, Proctor, Real, Rich, Roberts, Rose, Shelby, Simcnson, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Tingley, Williams and Wilson—65.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Butler of Vanderburgh, Cuppy, Davis of Sullivan, Dufour, Edwards, Francis, Gorman, Hargrove, Huckaby, Logan, Marvin, Mitchell, Nelson, Norvell, O'Neal, Patrick, Prilliman, Robinson, Shoup, Sluss, Snook, Thompson, Wheeler and Mr. Speaker—28.

So said bill was ordered to be engrossed.

ORDERS OF THE DAY.

No. 102. A bill for the relief of Alexander Owens;

Read a second time and ordered to be engrossed.

No. 104. A joint resolution memorializing Congress relative to the navigation of the Mississippi and Ohio rivers;

Read a second time, and referred to a select committee.

No. 108. An act for reducing the expenses of Putnam county, and for selecting petit jurors therein;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 40. A bill of the Senate, amendatory of the law regulating general elections;

Read a second time and referred to a select committee.

No. 100. A bill for the relief of Job B. Eldridge, Thomas J. Cummings and Isaac Clarey and others ;

Read a second time and ordered to be engrossed.

No. 101. A bill to authorize John Sour to build a mill dam across the Wabash river;

Read a second time and passed to a third reading on to-morrow.

No. 39. A joint resolution of the Senate, asking aid of Congress to improve the navigation of the Wabash river;

Read a second time and referred to a select committee.

No. 114. An act to amend an act entitled an act supplemental to an act, subjecting real and personal property to execution; approved Feb. 4, 1841, approved Jan. 8, 1842;

Read a second time and referred to a select committee.

No. 105. A bill to repeal all acts or parts of acts declaring the White Water rivers navigable streams;

Read a second time and referred to the delegation from Dearborn, Franklin, Union, Fayette, and Wayne counties.

No. 14. An act of the Senate, incorporating the South Bend Manufacturing company;

Read a second time and referred to the committee on corporations.

No. 28. An act of the Senate, relative to the collection of delinquent taxes;

Read a second time and referred to the committee of ways and means.

No. 110. A bill relating to voting in Laporte county;

Read a second time and referred to the committee on revision.

No. 111. An act for the relief of Adam Clark, a justice of the peace;

Read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 112. A bill for the relief of the people of the State of Indiana;

Read a second time and referred to a select committee.

No. 113. A bill to amend an act to encourage the raising of Sheep and Hogs, and to increase the revenue of the State, and the wealth of the people; approved Feb. 24, 1840;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 115. A joint resolution in relation to our late tariff law;

Read a second time, and before any action was had thereon,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DEC. 23, 1842.

The House met pursuant to adjournment.

The Speaker announced the following named gentlemen the select committee to whom was referred bills and joint resolutions relative to the navigation of the Ohio and Wabash rivers:

Messrs. Myers, Edwards, Proctor, Shelby and Lewis.

The House took up the following message of the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that they have passed an engrossed bill thereof, number twenty-

five, entitled an act fixing the times of holding courts in the 9th judicial circuit, and to ask the concurrence of the House therein;

Which was read a first time, and passed to a second reading on tomorrow.

Leave of absence was granted to Mr. Leyman until next Wednesday.

The House took up the following message of the Senate:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, without amendment, entitled as follows, viz:

No. 99. An act to legalize the appointment of certain constables in Henry county;

The Senate has also passed an engrossed bill thereof, entitled,

No. 10. An act to prescribe the time and manner of holding the circuit court in Allen county, and to provide for a special term thereof;

In which bill of the Senate I am directed to ask the concurrence of the House of Representatives.

No. 10. In said message, was read a first and second times and referred to a select committee of Messrs. Thompson, Hawkins and Prilliman.

PETITIONS WERE THEN PRESENTED.

By Mr. Bales, from John Filson and others, citizens of Parke and Vermillion counties, praying for a State road as therein named;

Which was read and referred to the committee on roads.

By Mr. Brown of D., from divers citizens of Dearborn county, on a certain road therein named;

Which, on motion, was referred to the committee on canals and internal improvements.

By Mr. Johnson, from John Elston and others, citizens of Marion and Boon counties, praying for the location of a State road as therein named;

Which was referred to a select committee, of Messrs. Johnson, Chrisman and Rose.

By Mr. Prilliman, from Francis Johnson and others, citizens of the State of Indiana, praying for the abolition of capital punishment;

Which was read and referred to the judiciary committee.

Mr. Robinson from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution relative to the making of complete records in cases at law, have had

that subject under consideration, and have directed me to report, that in the opinion of that committee it is inexpedient to legislate upon that subject, and ask to be discharged from the further consideration thereof;

Which was concurred in.

Also, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House, relative to attorney's docket fees, have directed me to report the following bill and recommend its passage:

No. 120. A bill abolishing attorney's docket fees;

Which was read a first time and passed to a second reading on tomorrow.

Also, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution directing them to enquire into the expediency of amending the law abolishing imprisonment for debt, so that two *nihil*s shall not be equivalent to a service, have directed me to report that legislation on that subject is inexpedient;

Which was read and concurred in.

Mr. Tingley, a member from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of this House asking whether the present law allows clerk's pay out of the county treasury for stationary in their offices, have had the same under consideration and instructed me to report, that there is some diversity of opinion on that subject, founded on a construction of the law on this subject; but your committee are of opinion that the necessary books, paper, &c., for the use of each clerk's office should be furnished at the expense of the county, and have instructed me to report this fact to the House and recommend the committee on revision to incorporate such a provision in the law regulating the duties of clerks, and ask to be discharged from the further consideration of this subject;

Which was read and concurred in.

Also, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred the resolution of the House inquiring into expediency of amending the 2d sec-

tion of an act prescribing the duties of county treasurers, so that the condition of their bonds shall be a faithful discharge of their duties, have had the same under inspection and directed me to recommend to this House, to instruct the committee on revision to insert such provision in the law regulating the duties of county treasurers, and ask to be discharged from further consideration of this subject;

Which was read and concurred in.

Also, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the resolution of this House instructing said committee to inquire into the expediency of reporting a bill to this House as soon as practicable reducing the salaries of State and county officers, and provide for a more economical expenditure, have had the same under consideration and instructed me to report, on the first branch of said inquiry, that a bill is now before this House reducing the salaries of State and county officers, superseding the necessity of your committee reporting such bill to this House. On the last branch of inquiry or requisition in said resolution which reads, "and provide for a more economical expenditure," your committee not being advised of the true intent and meaning of the same, and fearing that in reporting at length on what they supposed was the design of the mover thereof, they might inadvertently misconstrue the same; your committee ask to be discharged from the further consideration of said resolution;

Which was read and concurred in.

Mr. Tingley made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House inquiring into the propriety of making it an indictable offence and punishable by confinement in the State prison for any officer of this State who has the care of public funds to refuse to account for the same as directed by law, when legally called upon, have had the same under serious consideration and directed me to report it very inexpedient to legislate on the subject; believing that such a law would be a direct infringement on the unalienable rights and privileges of freemen, and cast at once a stigma on the independent and honest office holders of Indiana, and ask to be discharged, &c.;

Which report was read, and, on motion, laid upon the table.

Mr. Brown of M., Chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of this House No. 25. Entitled a bill to amend an act entitled an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1841, approved January 8, 1842, have had the same under consideration and have directed me to report the same back to the House and recommend that it be referred to the select committee on relief; which was read and so referred.

The same committee made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House, No. 20. Entitled a bill to amend an act entitled an act subjecting real and personal property to execution, approved February 4, 1831, have had the same under consideration and have directed me to report the same back to the House, with one amendment, and recommend its passage.

Amend the bill by striking out the two first sections and inserting the following:

That it shall and may be lawful for each and every execution defendant to claim as exempt from execution one hundred and fifty dollars worth of property, to be by them selected; which property when so selected shall be appraised and set apart to such defendant by three disinterested householders to be by the officer making such levy selected, who shall be sworn or affirmed, as the case may be, true and correct appraisement to make.

SEC. Mechanics' tools and the implements of artisans shall be exempt from execution.

Mr. Wilson moved to amend the amendment by adding the words, "not exceeding one hundred and fifty dollars;" thereupon,

Mr. Clements moved that the bill, with the proposed amendments be referred to a select committee;

Which was agreed to.

Mr. Simonson moved to instruct the committee to strike out the words "and fifty," wherever it occurred.

Mr. Millikin moved to amend the amendment by adding the words, whenever the family does not exceed five in number;

Which was accepted by the mover.

Mr. Lee moved to amend the instructions as follows:

That hereafter every householder in the State of Indiana, may have and hold exempt from all executions and levies, except for the payment of taxes and fines, as is now provided by law, the following articles of property, viz:

Household and kitchen furniture not exceeding in value	\$25
One bed and bedding for every two persons over ten	
years of age, not exceeding in value	50

One cow and calf, not exceeding	-	-	-	-	12
Ten head of hogs, not exceeding	-	-	-	-	20
Twenty head of sheep with their lambs not exceeding 9 months old, their wool and the proceeds thereof not exceeding in value,	-	-	-	-	50
Provisions for three months, not exceeding in value					25
One horse or mare, not exceeding in value	-	-			50
One plough and gears, not exceeding in value	-	-			12
One chopping axe, one hoe and other articles, not ex- ceeding in value	-	-	-	-	10
Total					<hr/> \$254

Mechanics may have their tools and implements of business.

Professional men, such as lawyers, doctors, scholars and divines, may reserve their drugs, horses, &c., in place of any of the articles above enumerated.

The question then recurring upon the adoption of the instructions, as proposed by *Mr. Lee*;

Which was not agreed to.

On motion of *Mr. Brown* of *M.*,

The whole subject was laid on the table.

Mr. Gorman, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred bill

No. 107. Entitled a bill to reinstate a certain tract of seminary lands therein named, have had that subject under consideration and have directed me to report the same back to the House without amendment and recommend its passage;

Which was read and the report concurred in. Bill ordered to be engrossed.

Mr. Matheny, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution making prosecuting witnesses liable for costs in case conviction is not obtained, have had that subject under consideration and have directed me to report it back as inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Simonson, chairman of the committee on the State prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to which was referred a resolution directing them to inquire into the expediency of amending the law relating to the State prison, as suggested by the Auditor of Public Accounts, have had the same under consideration, and directed me to report the following bill:

No. 121. A bill to amend the several acts for the regulation of the State prison;

Which was read a first and second times and referred to the committee on revision.

Mr. Lowe, chairman of the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the petition of Wm. McCullough, have, according to order, had that subject under consideration, and have directed me to report the following bill:

No. 122. An act for the relief of Wm McCullough, deputy collector of Colton township, Switzerland county, for the year 1841;

Read a first time and passed to a second reading on to-morrow.

Mr. Bradley moved to suspend the rules, in order to take from the table

No. 103. A bill for the relief of Alexander Beard, in order to place it in with the orders of the day;

Which motion prevailed.

When said bill was taken from the table and referred to the committee on canals and internal improvements.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of this House, suggesting some more efficient mode of collecting rents for leases of water power on the public works, &c., have considered the same and directed me to report, that the laws now in force are sufficient, and that legislation on that subject is inexpedient at this time;

Which was read and concurred in.

The same committee made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred

No 79. A joint resolution in relation to the grand rapids of the Wabash river, have had that subject under consideration, and have directed me to report the same back to the House and recommend its passage;

Which bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Also, from the same committee, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of John Sankey of the county of Vigo, for relief on account of damages to his land, occasioned by the operations on the Cross-cut canal, have had that subject under consideration and directed me to report that any further legislation on that subject at this time is inexpedient;

Which was read and concurred in.

Also, from the same committee, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House directing them to enquire into the expediency of reporting a bill to more effectually secure the public works from damage, by designing or malicious persons, have had that subject under consideration and directed me to report, that the laws now in force on that subject, if put in force efficiently, are quite sufficient without any further legislation on that subject at this time, and ask to be discharged from any further consideration thereof;

Which was read and concurred in.

Mr. Clements from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred a joint resolution No. 65, entitled a joint resolution, instructing our Senators, and requesting our Representatives in Congress to procure a grant of lands in the Vincennes district, for the completion of the Wabash and Ohio canal, have had the same under consideration and instructed me to report it back without amendment and recommend its passage;

Which joint resolution was read a second time, and ordered to be engrossed for a third reading on to-morrow.

And, on motion the House adjourned one half hour.

The House met pursuant to adjournment.

Mr. Carter, a member of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of this House, in relation to the claim of John Shultz, reports the following bill:

No. 123. A bill to provide for the paying claims, and purchasing sites for water power on the Wabash and Erie canal;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Shoup, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill No. 30, have had the same under consideration, and have directed me to report the same back to the House with one amendment, and recommend its passage;

No. 30. A bill for the repeal of the proviso to the 17th section of an act entitled an act pointing out the mode of levying taxes; approved Feb. 12. 1841;

Which amendment reads as follows:

Amend bill No. 30, by adding the following section:

Sec. 2. That a majority of the legal voters (citizens, householders,) of any town or township may remonstrate in writing to the board doing county business, against the licensing of any grocery, tavern or other establishment for the retailing of spirituous liquors, for any term of time not exceeding one year, from the time of such remonstrance, and the board shall be governed by the wish of the majority thus expressed.

This act to be in force from and after its publication.

Mr. Robinson moved to amend the amendment as follows, viz:

Strike out citizens, householders, and insert a majority of the legal votes;

Strike out two years and insert one;

The question then recurring on the amendment to the amendment as offered by Mr. Robinson;

Which was adopted.

The question then recurring upon the motion by Mr. Robinson, to commit the bill and amendments to the committee of revision;

Mr. Brown of M. moved to instruct the committee as follows:

To incorporate the General Laws;

Whereupon, Mr. Edwards moved a division of the question;

The question then recurring, shall the bill and pending amendments be committed to the committee on revision;

Which was decided in the affirmative.

The question then recurring upon the adoption of the instructions as proposed by Mr. Brown of M.;

And the ayes and noes being demanded by Messrs. Foulke and Edwards.

Those who voted in the affirmative were,

Messrs. Brown of Marion, Clements, Coffin, Cooley, Gorman, Johnson, Jones, Leslie, Lowe, Moore of Owen, Myers, Nelson, Norvell, Peak, Proctor, Rich, Shoup, Snook, Swihart, Tevis, Wilson and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Lewis, Logan, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Milliken, Mitchell, Montague, Moore of F., Nees, O'Neal, Osborn, Parker, Patrick, Prilliman, Real, Roberts, Robinson, Rose, Simonson, Steele, Stewart, Strain, Summers, Sumner, Thompson, Tingley and Williams—65.

So said instructions were not adopted.

The Speaker laid before the House the report of the Treasurer of State;

Which was laid on the table, and two hundred copies ordered to be printed.

Mr. Wilson, from the committee of ways and means, made the following report:

Whereas, for the purpose of ascertaining the sense of this House, and the better to enable the committee of ways and means to report such a bill for the assessment of taxes, for State purposes as may meet the wishes of a majority;

Therefore, resolved, That the committee of ways and means, be instructed to report a bill to this House, making the State assessment twenty-five cents on every hundred dollars value of property;

Mr. Bradley moved to strike out "25" and insert "30;"

Mr. Robinson moved the House adjourn until Monday morning, 9 o'clock;

And the ayes and noes being demanded by Messrs. Robinson and Clements.

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Dearborn, Butterfield, Carter, Francis, Gilbert, Marsh, Matheny, Mathers, Robinson, Tevis, and Mr. Speaker—13.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Foulke, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Logan, Lowe, Major, Marvin, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Real, Rich, Roberts, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Thompson, Tingley, Williams and Wilson—71.

So said motion did not prevail.

Whereupon, the Speaker adjourned the House to two o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker announced the question to be on the amendment pending as proposed by Mr. Bradley at the adjournment;

Mr. Moore of O. moved to amend the pending amendment, by inserting "fifteen;"

When Mr. Wilson moved a call of the House.

On motion of Mr. Clements,

The further call of the House was suspended.

On motion of Mr. Gorman,

The previous order of business was suspended;

When the House again resolved itself into a committee of the whole on the bill,

Part 1st. Entitled a bill, concerning the boundaries, jurisdiction, division, civil government and internal administration of the State of Indiana;

Mr. Thompson in the chair, and after spending some time therein, the committee rose, reported the bill back to the House with sundry amendments, and asked leave to sit again.

And, on motion,

The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, DEC. 24, 1842.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Nees, of citizens of Clay county, praying a revision and amendment of the school law;

Which was referred to the committee on education.

By Mr. Thompson, of citizens of Adams, Huntington and Whitley counties, praying the grant of a State road as therein named;

Which was referred to a select committee of Messrs. Thompson, Hawkins and Wheeler.

By Mr. Mitchell, of citizens of Lagrange, Noble and Steuben counties, asking that a law may be passed appropriating so much of certain road tax to certain roads therein named;

Which was referred to a select committee of Messrs. Mitchell, Marsh, Jackson, Thompson and Cuppy.

By Mr. Johnson, of citizens of the State of Indiana, praying a general reduction of the fees and salaries of public officers;

Which was referred to the committee on military affairs.

By Mr. Hawkins, of citizens of Adams county, praying that a road tax might be assessed on land and town lots as therein set forth, so far as the county of Adams is concerned;

Which was referred to a select committee of Messrs. Mitchell, Marsh, Jackson, Thompson and Cuppy.

By Mr. Huckaby, of citizens and tax payers of Perry county, praying relief of Wm. Marshall, late collector of said county, as therein set forth;

Which was referred to the committee on ways and means.

By Mr. Gorman, of Joseph H. Hendricks, praying relief as therein named;

Which was referred to the committee on canals and internal improvements.

By Mr. Norvell, of citizens of Lawrence, Martin and Greene counties, praying a relocation of a certain road therein named;

Which was referred to a select committee of Messrs. Norvell, O'Neal and Peak.

By Mr. Huckaby, of Wm. Marshall and Ewing, praying relief as therein named;

Which was referred to the committee on ways and means.

The following message of the Senate was received, by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House of Representatives, to wit:

Resolved, That when (the Senate concurring therein) this House adjourns at 12 o'clock on Tuesdays and Fridays, it will adjourn until the ensuing morning at 9 o'clock, to further the progress of the committee on revision;

With the following amendment, viz:

And other committees.

In which amendment the concurrence of the House of Representatives is requested.

Which amendment was concurred in.

Ordered, That the Clerk inform the Senate thereof.

The House took up the resolution of yesterday, as reported from the committee of ways and means;

Which was, on motion of *Mr. Brown of M.*, laid on the table.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a resolution of this House directing said committee to enquire into the expediency of so amending the revenue law, as to exempt one hundred dollars worth of property from taxation, have directed me to report the same back and recommend that it be referred to the committee on ways and means, where the subject matter properly belongs;

Which was read and referred to the committee of ways and means.

Mr. Brown of M., from the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill

No. 81. Entitled a bill providing for the record of deeds and mortgages, have had that subject under consideration, and have directed me to report the same back to the House and recommend that it be indefinitely postponed;

Which was read and, on motion, indefinitely postponed.

The following communication was received from His Excellency, the Governor, by I. H. Kiersted, his private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives, that on the 23d inst. he approved and signed the following acts:

No. 11. An act fixing the time of holding the terms of the board of commissioners in the county of Porter.

No. 4. An act in relation to the docketing of causes in the Lake circuit court;

Which originated in the House of Representatives.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of this House

No. 10. Entitled a bill to amend an act supplemental to an act subjecting real and personal property to execution, approved January 8th, 1842, have had that subject under consideration and have directed me to report the same back to the House and recommend that it be referred to the select committee on relief;

Which was read and referred to the select committee on relief.

On motion of Mr. Claypool,

The House took up the resolution of this House in relation to the defalcations of public officers; when,

On motion of Mr. Robinson,

It was referred to the committee on revision.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate Bill

No. 14. Incorporating the South Bend Manufacturing Company, have had the same under consideration and directed me to report the same back to the House with one amendment and then recommend its passage;

Which was read,—the amendment concurred in—the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of D., chairman of the committee on the State Bank, reported the following bill:

No. 124. An act to provide for the collection of the tax on bank stock, in the county of Dearborn;

Which was read a first, second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hawkins, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Jane Gillam, praying a divorce from Peter Gillam, have had the same under consideration, and have unanimously resolved that it is inexpedient to grant the prayer of said petitioner, and have instructed me to report the same to this House, and ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Thompson, from a select committee made the following report:

MR. SPEAKER:

The select committee, to whom was referred a bill of the Senate to prescribe the time and manner of holding the circuit court in Allen county, have had the same under consideration and have directed me to report the same back without amendment and request its passage:

No. 10. A bill of the Senate prescribing the time and manner of holding the circuit court in Allen county;

Which was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shoupe, from a select committee, made the following report:

MR. SPEAKER:

The select committee, composed of the Representatives from the counties bordering on the White-water rivers, to whom was referred bill No. 105, have had the same under consideration and directed me to report the same back to the House, with one amendment, and recommend its passage:

No. 105. An act to repeal all acts declaring White-water rivers navigable streams, except in the county of Dearborn;

Which was read, the amendment concurred in, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Simonson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred a bill in relation to the Jeffersonville and Crawfordsville turnpike road, have had the same under consideration, and have made one amendment thereto, in which they have directed me to ask the concurrence of the House and recommend its passage:

No. 32. A bill in relation to the Jeffersonville and Crawfordsville turnpike road.

The amendment was concurred in, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. English, from the committee on enrolled bills, made the following report, to wit:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of Representatives and find the same truly enrolled, to wit:

No. 99. An act to legalize the appointments of certain constables in Henry county.

RESOLUTIONS PRESENTED.

On motion of Mr. Millikin,

Resolved, That the committee on education be instructed to enquire into the expediency of amending an act entitled an act to revise and amend an act incorporating Congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841, by striking out the words, "of the ninth chapter" and the first section of said act.

On motion of Mr. Robinson,

Resolved, That the Treasurer of State be required to report to this House the amount of money annually paid to probate judges for their services.

On motion of Mr. Nees,

Resolved, That a select committee be appointed to consist of one member from each judicial circuit, to enquire into the expediency of providing by law for a uniform system of doing county business in this State, with leave to report by bill or otherwise.

The chair appointed the following gentlemen said committee, to wit:

Messrs. Nees, Hargrove, English, Montague, Chrisman, Major, Hawkins, Norvell, Foulke, Leslie, Millikin and Moore of O.

On motion of Tingley,

Resolved, That the committee on revision be instructed to enquire into the expediency of inserting in the laws regulating evidence, a section designating the manner in which testimony taken out of the United States, (to be read in evidence in courts in any of the States of the Union,) shall be authenticated.

On motion of Mr. Hargrove,

Resolved, That the select committee to which was referred several bills of this House providing for the relief of the people of Indiana, be directed to enquire into the expediency of so amending the execution laws of this State, that when any execution plaintiff shall refuse to take the property that may have been levied upon by his execution, at the appraisement as provided by law, or when the same shall not sell for such sum upon the first exposure thereof, it shall be the privilege of the creditor holding the next lien to take the same at the appraisement in liquidation of such creditor's demand.

Mr. Marsh moved to reconsider the vote taken on yesterday, referring sundry documents relating to the building of a new State prison, to the committee on the State prison;

Which motion prevailed.

Then Mr. Marsh moved to refer the same to the committee on the judiciary;

Which was so referred.

On motion of Mr. Carter,

Resolved, That His Excellency, the Governor, be requested to report to this House the estimated cost of erecting the new State prison near the town of Jeffersonville, on the plan proposed.

On motion of Mr. Swihart,

Resolved, That the committee on the State prison be instructed to enquire into the expediency of suspending all further operations for constructing a new State prison at Jeffersonville, and enquire whether it would be good State policy to erect the new State prison at the town of Lagro, in Wabash county, and on the Wabash and Erie canal.

Mr. Clements offered the following resolution:

Resolved, That this House will, hereafter, at 2 o'clock of each day, Tuesdays and Fridays excepted, go into committee of the whole, on the revision, and it shall hereafter be considered the regular order of business.

Mr. Shoupe moved to strike out "2" and insert "3 o'clock;"

Which did not prevail.

Then said resolution was adopted.

Mr. Rose offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of abolishing *all* laws which recognize the doctrine of *security*, and in lieu thereof, provide for the administration of such salutary penalties as will more effectually secure the faithful discharge of official duty, and that public defaulters may learn the lesson "better let it be;"

Which was not adopted.

Mr. Bradley offered for adoption the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill abolishing the office of probate judge and providing for the election of Prosecuting Attorneys by the people, and reducing the salaries of associate judges to \$1 per day, and creating at least six new circuits; and at least three terms of the circuit courts, to be holden in each year, in each county. One term without a jury, and the president and the associate judges of the court to perform the duties now performed by the probate judges.

Mr. Shoup moved to amend as follows:

That the committee on revision be instructed to enquire into the expediency of so changing the probate system from its present to that, or the similar to the *surogate* system, practiced in New York, and report accordingly;

Which prevailed.

The question then recurring on the adoption of said resolution, as amended;

Which was decided in the affirmative.

Mr. Wilson moved to reconsider the vote taken on referring sundry documents relating to the building of a State prison, to the judiciary committee;

Which motion prevailed.

The question then was, shall said documents be referred to the judiciary committee;

Which was decided in the negative.

So said documents were referred back to the committee on the State prison.

Mr. Brown of M. moved to authorize said committee to send for persons and papers;

Which motion prevailed.

Mr. Millikin moved to reconsider the vote taken on Mr. Bradley's resolution changing the probate system;

Which motion did not prevail.

Mr. Dufour offered the following preamble and resolution:

WHEREAS, by the report of the Auditor of State to this General Assembly it appears, (page 41,) that the large balance (\$5,777 44) in hands of commissioners of Madison and Indianapolis Railroad, consists of outstanding balances against merchants and others for transportation, and not in cash in hands of commissioner.

Therefore, Resolved, That the committee on canals and internal improvements be instructed to ascertain what law, if any there be, authorizing the said commissioner to allow credit to merchants and others for tolls, and if they find that there is any law allowing credit for tolls, that they report to this House a bill requiring said tolls to be accounted for, and paid over to the Treasurer of State monthly.

BILLS INTRODUCED,

By Mr. Bowers:

No. 125. An act to amend an act entitled an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad companies;

Which was read a first and second times and referred to the committee on corporations.

By Mr. Huckaby:

No. 126. A bill giving further time to the treasurer of Perry county;

Read a first and second times and referred to the committee on ways and means.

By Mr. Bradley:

No. 127. A bill to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner;

Read a first time and passed to a second reading on to-morrow.

By Mr. Bradley:

No. 128. A bill to provide for the election of Prosecuting Attorneys by the people;

Read a first time and passed to a second reading on to-morrow.

By Mr. Hardin:

No. 129. An act relating to the jurisdiction of justices of the peace in the county of Johnson;

Read a first and second times; when,

Mr. Osborn moved to amend by adding the county of Union.

Mr. Edwards, thereupon, called for a division of the question.

The question then recurring, shall the bill be committed;

Which was decided in the affirmative.

Mr. Gorman moved to instruct the committee to strike out the word "affidavit," wherever it occurred;

Which motion was lost.

By Mr. Rose:

No. 130. A bill regulating the duties of justices of the peace in the county of Boone;

Read a first time and passed to a second reading on to-morrow.

By Mr. Wheeler:

No. 131. A bill abolishing the office of county auditor, in certain counties;

Read a first and second times; when,

Mr. Moore of O. moved to amend by adding "eight thousand."

Mr. Moore of F., moved to strike out "six thousand" and insert ten thousand; and,

On motion of Mr. Clements,

The bill and pending amendments were laid on the table.

Mr. Clements moved to take from the table the bill regulating the fees and salaries of the different officers of State;

Which motion was lost.

ORDERS OF THE DAY.

No. 109. A bill in relation to the transfer of certain of the public works to private companies, when ten miles of the same shall be completed;

Read a first and second times and laid on the table.

The Speaker announced the question to be on the adoption of the amendment as proposed by Mr. Gorman on yesterday; when,

Mr. Foulke moved to amend the amendment by adding the words, "what they were in 1840;"

Which was not agreed to.

Mr. Huckaby moved further to amend the instructions as follows:

In accordance with Capt. Tyler's views when these instructions shall reach our Senators and Representatives;

And the ayes and noes being demanded by Messrs. Gorman and Huckaby.

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Foulke, Francis, Gilbert, Goodenow, Hawkins, Huckaby, Lee, Leslie, Marvin, Mathers, Mitchell, Patrick, Steele, Strain, Summers, Thompson, Tingley and Wilson—23.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Randolph, Campbell, Carter, Clements, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Edmonson, Flannegan, Fuller, Gorman, Hardin, Hargrove, Hillis, Hodges, Jackson, Johnson, Lewis, Lingle, Logan, Lowe, Major, Marsh, Meeker, Milliken, Montague, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—56.

So said instructions were not adopted.

The question then recurring on the adoption of Mr. Gorman's instructions;

Mr. Foulke moved to indefinitely postpone the whole subject matter;

And the ayes and noes being demanded by Messrs. Shoupe and Foulke.

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Clements, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Rich, Steele, Strain, Summers, Thompson, Tingley and Wilson—33.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of W., Butler of R., Campbell, Carter, Cooley, Cuppy, Davis of S., Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Lewis, Lingle, Logan, Lowe, Major, Marsh, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, and Mr. Speaker.—47.

So said motion did not prevail.

Mr. Tingley moved to postpone the whole matter until the 5th day of Feb. next;

And the ayes and noes being demanded by Messrs. Butler of V., and Tingley;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Clements, Claypool, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Montague, Patrick, Rich, Steele, Strain, Summers, Thompson, Tingley and Wilson—30.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of W., Butler of R., Campbell, Carter, Cooley, Cuppy, Davis of S., Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Lewis, Lingle, Logan, Lowe, Major, Marsh, Meeker, Millikin, Mitchell, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoupe, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker.—50.

So said motion did not prevail.

The question then recurring on the adoption of Mr. Gorman's amendment;

And the ayes and noes being demanded by Messrs. Gorman and Butler of V.

Those who voted in the affirmative were,

Messrs. Baker, Brown of M., Brown of W., Butler of R., Campbell, Carter, Cooley, Cuppy, Davis of S., Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Lewis, Lingle, Logan, Major, Marsh, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker.—44.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of D., Butler of V., Butterfield, Claypool, Clements, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Rich, Robinson, Steele, Strain, Summers, Thompson, Tingley and Wilson—36.

So said amendment was adopted.

Mr. Thompson moved to amend the joint resolutions as follows:

WHEREAS, it is believed that the distribution of the proceeds of the public lands is demanded by the best interests of our common country, a demand founded in justice and dictated by sound policy.

Therefore, resolved, That we have witnessed with much regret the failure on the part of Congress, so to modify the act on that subject as to continue the distribution among the States of the proceeds of the public lands.

Resolved, That we believe such distribution will subserve the best interests of the country, by preventing fluctuations in the national treasury, and affording more adequate protection to American industry:

That such distribution is called for in justice to the Western States, who otherwise obtain no portion of the public expenditure.

That we view the State's interest in the public lands as the best means, ultimately to rid us of the heavy debt preying upon our people; and in the mean time to aid in meeting the annual interest which must otherwise become very burthensome and oppressive.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested to procure, if possible, such a modification of the act of Congress on the subject of the public lands, as shall continue the distribution of the proceeds among the States, notwithstanding the increase of the tariff.

The Governor is requested to forward copies of this joint resolution to each of our members in Congress.

Mr. Myers called for the previous question;

Which was seconded by the House.

The question then was, shall the main question be now put?

And the ayes and noes being demanded by Messrs. Gorman and Hillis;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of White, Butler of R., Campbell, Carter, Cooley, Cuppy, Davis of Sullivan, Dufour, Edmonson, English, Fuller, Hardin, Hargrove, Jackson, Johnson, Lewis, Lingle, Lowe, Major, Marsh, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Logan, Marvin, Mathers, Meeker, Mitchell, Montague, Nelson, Patrick, Rich, Steele, Strain, Summers, Thompson, Tingley and Wilson—35.

Which was decided in the affirmative.

The question then recurring, shall the joint resolution with the instructions, be engrossed for a third reading;

And the ayes and noes being demanded by Messrs. Gorman and Foulke;

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of Marion, Brown of White, Butler of R., Campbell, Carter, Claypool, Cooly, Cuppy, Davis of Sullivan, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Lewis, Lingle, Logan, Lowe, Major, Marsh, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Clements, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Rich, Steele, Strain, Summers, Thompson, Tingley and Wilson—32.

So said joint resolution and amendments were ordered to be engrossed for a third reading on to-morrow.

And on motion,

The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, DEC. 26, 1842.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED.

Mr. Millikin presented the petition of John Cobb and others, citizens of Dearborn county, in relation to a road tax;

Which was referred to the committee on roads.

The Speaker laid before the House a communication from the Hon. John B. Dillon in relation to a History of the State of Indiana;

Which was read and referred to the committee on the State library.

Mr. Davis of S., chairman of the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a resolution of this House instructing it to enquire into the expediency of reporting a bill reducing the interest on sinking fund and surplus revenue to six per cent., have had that subject under consideration, and have directed me to report it inexpedient to legislate upon that subject and ask to be discharged from its further consideration;

Which report was concurred in and the committee discharged.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred bill

No. 28, of the Senate, in relation to the collection of delinquent taxes, have had that subject under consideration and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill, No. 28, mentioned in said report, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Gorman, a member, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of the House directing an enquiry into the expediency of so amending an act pointing out the mode of levying taxes, approved February 12, 1841, as to make the lien of the State on personal property for taxes attach on the first of January, instead of the first of March, have, according to order, had the same under consideration and directed me to report the following bill:

No. 132. A bill further to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Dufour, a member, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House

No. 97. Entitled a bill to repeal an act for the election of county

assessors, approved February 10, 1841, and to provide for township assessors, have had the same under consideration, and a majority of the committee believing that it is inexpedient to make any change in the system of assessing property for the purpose of levying taxes in this State, so recently adopted and not sufficiently tested by the unquestionable demonstrations of experiments, to render any material alterations at present advisable, have directed me to report the same back to the House and recommend its indefinite postponement;

Which was read; and,

On motion of *Mr. Clements*,

Referred to a select committee of Messrs. Clements, Norvell, Lingle, Thompson, Gilbert, Moore of F., and Robinson.

Mr. Simonson, chairman of the committee on the State prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State prison, to which was referred a resolution to enquire into the expediency of suspending the erection of a new prison at Jeffersonville, and to provide for the erection of a northern prison at, or near the town of Lagro, in Wabash county, have had the same under consideration, and directed me to report that legislation on that subject is inexpedient at this time, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Robinson, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee of revision, to whom was referred bill of the House,

No. 87. Entitled a bill to amend an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838; and, also, two bills of the House No. 73 and No. 96. Entitled bills to amend the act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17, 1838. And, also, bill of the House,

No. 71. Entitled a bill to confine the voters of Tippecanoe county to their respective townships. And, also, bill of the House,

No. 69. Entitled a bill defining the duties of clerks of the several circuit courts in this State, have, according to order, had the said several bills under consideration, and have directed me to report, that in the opinion of the committee, it is inexpedient to legislate upon the subjects in the said bills mentioned, and ask to be discharged from their further consideration;

Which was read and concurred in.

Mr. Robinson, from the select committee, made the following report:

MR. SPEAKER:

The select committee of revision, to whom was referred a bill of the Senate,

No. 19. Entitled a bill to provide for the summoning and empanelling jurors in the counties of Delaware, Grant and Tippecanoe, have, according to order, had the same under consideration, and have directed me to report the same back to the House and recommend its passage;

Which was read; when,

Mr. English moved to amend by adding the county of Scott.

Mr. Moore of F. moved to amend by adding Floyd county.

Mr. Osborn moved to amend by adding Union county.

Mr. Shoup moved to amend by adding Franklin county.

And, on motion of Mr. Robinson, the bill, with the pending amendments, was recommitted to the committee on revision, with instructions to make it a general law.

Mr. Robinson, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee of revision, to whom was referred a resolution of this House instructing this committee to enquire into the expediency of allowing clerks and justices who failed to make returns last August, in accordance with the law entitled an act applying certain funds to the purposes of education, to make such report some time hereafter, have had that resolution under consideration, and have directed me to report to the House, that in the opinion of this committee it is inexpedient to legislate further upon that subject, as the law now in force is amply sufficient;

Which was read and concurred in.

Mr. Robinson, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee of revision, to whom was referred bill of the House,

No. 75. A bill relative to the wearing apparel of decedents, and also, a resolution of the House requesting this committee so to arrange the laws defining the duties of justices of the peace, so as to allow them to make all their annual returns required of them by law at one time, have, according to the direction of the House, had the same under their consideration and have directed me to report to the House

that the provisions of law, contemplated by the said bill and resolution, are amply provided for in the proposed revision of the laws;

Which was read and concurred in.

Mr. Gorman, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee on revision, to whom that subject and various others were referred, have had that subject under consideration and have directed me to report the following part of the revision, viz:

CHAPTER 6. Of the duties of the Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of Public Accounts, Public Printer, State Librarian and State Agent;

Which was referred to the same committee of the whole House.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a joint resolution, No. 104. Memorializing Congress relative to the navigation of the Mississippi, have had that subject under consideration, and directed me to report the same back to the House and recommend its passage;

Which bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Edwards from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a joint resolution, No. 39. Of the Senate, asking aid of Congress to improve the navigation of the Wabash river, have had the same under consideration, and directed me to report the same back to the House and recommend its passage;

Which joint resolution was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Edwards from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a joint resolution of the Senate,

No. 40. On the subject of obstructions of the Mississippi and Ohio rivers and their tributaries, have had the same under consideration, and find that the same subject matter is embodied in other joint resolutions referred to the same committee, which have been reported. The committee, therefore, ask that the said memorial may be laid on

the table, and the committee discharged from the further consideration thereof.

Said joint resolution was reported back to the House, and, on motion, was laid on the table.

Mr. Butler of V., from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of the commissioners of Vanderburgh county, have had the same under consideration, and have directed me to report it back to the House and recommend its reference to the committee on revision, with instruction to incorporate in the Revised Code, a general law in accordance with the wish of the petitioners;

Which was read and so referred.

RESOLUTIONS OFFERED.

Mr. Edwards gave notice to the House that, on to-morrow, he would move to amend the 37th rule of the House, that there shall not be more than thirty minutes allowed for the offering of resolutions during the present session, unless by leave granted by the House.

On motion of Mr. Millikin;

Resolved, That the committee on revision, to whom was referred the resolution of this House, instructing them to enquire into the expediency of changing the probate system of this State for that of the surrogate system practiced in New York, that if they deem said change inexpedient to report any other change in said probate system which they may judge expedient.

On motion of Mr. Cooley,

Resolved, That the committee on canals and internal improvements be requested to enquire into the expediency of causing the commissioner of the White Water canal company to report to this House the amount of funds paid in by the stock-holders on each share, and if it was cash, or notes of hand.

Be it further resolved, That said committee be requested to enquire into the right (if any) of issuing certificates of stock, payable to order or bearer without interest, and without date, when they will receive the same, thereby entering into circulation at a depreciated value; and if in the opinion of said committee, said White Water canal company has violated their charter in any form, they will report a bill to this House to cause the real and personal property of said company to be bound for the redemption of said issue on, or before a given date.

On motion of Mr. Moore of O.,

Resolved, That the committee on revision be instructed to reduce the assessor's pay to one dollar per day.

On motion of Mr. Simonson,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of funding so much of the proceeds of the sales of lands east of Tippecanoe river, as may remain, after deducting a sufficient amount for the redemption of the scrip, commonly called "White Dog," and pledging the same for a loan sufficient to discharge the ordinary expenses of the State for the current year.

On motion of Mr. Dufour,

Resolved, That the committee of ways and means, report to this House a bill providing for registering and burning the amount of Wabash and Erie canal scrip, east of Tippecanoe, already cancelled, and also, that which shall be hereafter received, and also, to provide checks upon the commissioners in issuing said scrip in future, and for the numbering, registering and charging said commissioners with the amount issued or hereafter to be issued.

BILLS WERE THEN INTRODUCED.

By Mr. Davis of S:

No. 133. An act authorizing the Sheriff of Sullivan county to select appraisers, in a certain case therein named;

Which was read a first, second and third times and passed;

Ordered, That the clerk inform the Senate thereof.

By Mr. Edmonson:

No. 134. A bill to repeal certain acts therein named;

Read a first time and passed to a second reading on to-morrow.

By Mr. Leslie:

No. 135. A bill supplemental to an act, entitled an act to postpone the sale of delinquent lands and town lots; approved December 21, 1842;

Which (the rules having been suspended for that purpose) was read three several times and passed;

Ordered, That the clerk inform the Senate and ask their concurrence therein.

By Mr. Campbell:

No. 136. An act reducing the expenses of the county of Porter, and for selecting petit jurors therein;

Which was read a first and second times and referred to the committee on revision.

ORDERS OF THE DAY.

No. 116. A bill for the relief of the people of Huntington county; Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 117. A bill to increase the width of the Frankfort road;

Read a second time and passed to a third reading on to-morrow.

No. 118. An act to define and regulate the duties of notaries' public;

Read a second time and referred to the judiciary committee.

No. 25. An act of the Senate, fixing the times of holding courts in the ninth judicial circuit;

Read a second and third times and passed;

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. De-frees, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that they have concurred in the amendment of the House, to engrossed bill of the Senate, numbered 14, entitled an act incorporating the South Bend Manufacturing Company, with an amendment, and to ask the concurrence of the House therein;

Said bill was then taken up, the amendment concurred in;

Ordered, That the clerk inform the Senate thereof.

No. 120. An act abolishing attorneys' docket fees;

Read a second times time, when,

Mr. Carter moved to amend the same by excepting prosecuting attorneys' fees in criminal cases;

Mr. Moore of O. moved to amend the amendment as follows:

The prosecutor shall not have pay when the case is taken by confession;

Which was not adopted.

The question then recurring upon the adoption of Mr. Carter's amendment;

And the ayes and noes being demanded by two members;

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hawkins, Hillis, Hodges, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Marvin, Meeker, Millikin, Montague, Moore of F., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Prilliman, Proctor, Rich, Roberts, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Baker, English, Huckaby, Moore of Owen, Peak, and Robinson—6.

So said amendment was adopted.

Mr. Gorman moved further to amend as follows: "and in all other cases in which it is made his duty to prosecute, on behalf of the State, by the laws now in force;

Which amendment was not agreed to.

Mr. English moved to suspend the rule, and read the bill a third time now;

And the ayes and noes having been demanded by Messrs. Robinson and Bradley;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Goodenow, Gorman, Hawkins, Hillis, Hodges, Jackson, Johnson, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, Mathers, Milliken, Montague, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker—70.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Claypool, Edwards, Francis, Gilbert, Huckaby, Leslie and Marsh—9.

So said rule was suspended, and the bill read a third time; when, Mr. Hillis called for a division of the question;

The question then recurring upon the recommitment of the bill;

Which was decided in the negative.

The question then recurring, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Gorman and Robinson;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Marion, Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Lee, Lingle, Lewis, Logan, Lowe, Major, Marsh, Marvin, Mathers, Meeker, Millikin, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker.—75.

Those who voted in the negative were,

Messrs. Bradley, Brown of D., Edwards, Francis, Huckaby and Leslie—6.

So said bill passed;

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Flannegan,

The House took from the table bill,

No. 131. A bill abolishing the office of county auditor, in certain counties;

Which was referred to the committee of ways and means.

No. 122. An act for the relief of William McCullough, deputy collector of Cotton township, Switzerland county, for the year 1841;

Read a second time and referred to the committee of ways and means.

No. 123. A bill to provide for the paying claims and purchasing land sites for water power on the Wabash and Erie canal;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 127. A bill to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner;

Read a second time, and on motion, laid on the table.

No. 128. A bill to provide for the election of prosecuting attorneys by the people;

Mr. Meeker moved to amend by striking out from the enacting clause, and insert the following:

A bill to provide for the election of prosecuting attorneys by the people.

Be it enacted by the General Assembly of the State of Indiana, That the qualified voters of the several counties in each judicial circuit of this State, shall elect a prosecuting attorney in each circuit, on the first Monday of August next, at the annual election, and every two years thereafter, who shall be commissioned by the Governor, and hold their offices for two years, and until their successors are elected and qualified.

Sec. 2. The clerks of the several circuit courts, shall certify to the Secretary of State, immediately after the votes may be compared in the county, the number of votes given to each person, and it shall be the duty of the Governor within thirty days, to make out commissions to those persons who, from the returns, shall have received the highest number of votes.

Sec. 3. Upon a vacancy happening in said office, from any cause, the Governor shall appoint some suitable person to fill the same until the next annual election, when one shall be elected by the people.

Sec. 4. The said prosecutors so elected by the people shall be governed by the same laws, discharge the same duties, and receive the same compensation as in now provided by law for prosecuting attorneys;

This act to be in force from and after its passage;

When on motion of Mr. Brown of M.,

The bill with the pending amendment was referred to the judiciary committee.

No. 130. A bill regulating the jurisdiction of justices of the peace in the county of Boon;

Which was read a second time and referred to a select committee of Messrs. Rose, Brown of M. and Mathers.

The Speaker laid before the House the following communication, from Hon. G. H. Dunn, Treasurer of State:

TREASURERS OFFICE, }
DEC. 24th, 1842. }

To the Hon. T. J. Henley,

Speaker of the House of Representatives:

In answer to the resolution on that subject, I have to report that the amount paid

Probate Judges in 1841, was	-	-	-	-	\$3,939 00
“ “ in 1842, was	-	-	-	-	4,460 00
The probable amt. in 1843,	-	-	-	-	4,500 00

Respectfully submitted,

GEORGE H. DUNN,
Treasurer of State.

BILLS ON THIRD READING.

No. 29. A joint memorial of the Senate, to Congress, praying for a donation of lands on behalf of the rangers and militia in the service of the United States, during the late war;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 30. A joint resolution of the Senate, respecting United States pensioners;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 50. An act to vacate a portion of a certain State road in Noble and Steuben counties;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 52. An act to provide for the reception of certain treasury notes, in payment of county revenue, and for other purposes;

Mr. Clements moved to reconsider the vote taken on the engrossment of said bill; but before there was any action had upon the same,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Lowe,

The House resolved itself into a committee of the whole, on the subject of revision;

Mr. Moore of O. in the chair, and after having spent some time therein, the committee rose, the chair reported sundry amendments thereto, and asked the concurrence of the House to the same, and asked leave to sit again;

Said amendments were concurred in, generally.

The Speaker announced the order of business to be bill

No. 52. As pending when the House adjourned at twelve o'clock;

When Mr. Butler of V. moved to lay the bill upon the table;

Which motion did not prevail.

Mr. Bradley moved to recommit to a select committee with instructions to amend by adding after the word "otherwise" in the first section, "provided the people of said counties shall, at a previous annual election, agree by vote to receive the same;

Mr. Lowe moved the previous question;

Which was not seconded by the House.

Mr. Edwards moved a call of the House;

Which motion did not prevail.

The question then recurring on the adoption of Mr. Bradley's instructions;

Mr. Norvell moved to amend said instructions by adding "that treasury notes shall only be received for county dues on future contracts;

Which was not adopted.

The question then recurring on the adoption of Mr. Bradley's instructions;

And the ayes and noes having been demanded by Messrs. Edwards and Bradley;

Those who voted in the affirmative were,

Messrs. Bradley, Butler of V., Butterfield, Campbell, Cooley, Cuppy, Davis of S., Denny, Dufour, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Gorman, Hargrove, Huckaby, Lingle, Logan, Major, Marvin, Meeker, Millikin, Mitchell, Montague, Norvell, O'Neal, Patrick, Peake, Prilliman, Proctor, Robinson, Shoupe, Snook, Steele, Summers, Swilart, Thompson and Mr. Speaker.—40.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of M., Brown of W., Butler of R., Carter, Chrisman, Claypool, Clements, Dunn, English,

Goodenow, Hardin, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lowe, Marsh, Mathers, Moore of F., Moore of Owen, Myers, Nees, Osborn, Roberts, Rose, Simonson, Stewart, Strain, Tingley and Wilson—38.

So said instructions were adopted.

The Speaker announced the following gentlemen said committee:

Messrs. Bradley, Dufour, Edmonson, Tingley and Lewis.

Mr. Foulke moved further to instruct the committee to strike out of the bill, the common school, and college funds;

Mr. Simonson called for a division of the question;

The question then recurring upon striking out the "common school funds;"

And the ayes and noes having been demanded by Messrs. Gorman and Roberts;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Butler of V., Butterfield, Campbell, Clements, Cuppy, Dufour, Edwards, Flannegan, Foulke, Francis, Gilbert, Gorman, Huckaby, Leslie, Logan, Marsh, Marvin, Millikin, Mitchell, Montague, Moore of F., O'Neal, Peak, Proctor, Robinson, Shoup, Simonson, Snook, Swihart, Thompson, Tingley and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Bowers, Brown of M., Brown of W., Butler of R., Carter, Chrisman, Claypool, Cooley, Denny, Dunn, Edmonson, English, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones Lee, Lewis, Lingle, Lowe, Major, Mathers, Meeker, Moore of O., Myers, Nees, Norvell, Osborn, Patrick, Prilliman, Roberts, Rose, Steele, Stewart, Strain, Summers and Wilson—41.

So said amendment was not adopted.

Mr. Gorman offered for adoption the following intructions, to strike out the principal of college funds, and insert for interest on college funds;

But before any action was had thereon;

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, DEC. 27, 1842.

The House met pursuant to adjournment.

The Speaker laid before the House, in obedience to a resolution thereof, the following communication of the President of the State Bank, together with his annual report:

Which was referred to the committee on the State Bank.

To the Speaker of the House of Representatives:

SIR:—The annual report, required from the State Bank, in pursuance of the law relative to public printing, was handed to the printer, and by him placed on the desks of the members, supposing that this mode of communicating reports had dispensed with that which was previously in practice. I have omitted heretofore to make the report in any other way. On being reminded of my neglect, I herewith submit the annual report required from the State Bank, to lay before the House of Representatives.

I am, &c.

State Bank, Dec. 27, 1842.

S. MERRILL.

PETITIONS PRESENTED.

By Mr. Peak, of citizens of Martin county, praying a grant of a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Brown of D., of Jesse Hunt, in relation to the Lawrenceburgh and Indianapolis railroad company;

Which was referred to the committee on corporations.

By Mr. Dunn, of Abigail Frask, praying the appointment of commissioners for certain purposes therein named;

Which was referred to a select committee of Messrs. Dunn, Brown of M., Johnson, Butler of R. and Lowe.

Mr. Clements from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill No. 82, entitled a bill relative to water power at Northport, in Noble county, have had the same under consideration, and direct me to report it back with the following amendment:

Strike it out from the enacting clause and insert the following in lieu thereof:

Which was read and concurred in by the House, and said bill ordered to be engrossed for a third reading.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows:

No. 13. An act to establish an additional place of holding elections in Greenville township, Floyd county;

No. 133. An act authorizing the Sheriff of Sullivan county, to select appraisers in a certain case therein named;

Also, an engrossed bill of the Senate, entitled as follows, viz:

No. 27. An act to amend an act, entitled an act, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana;

In which bill of the Senate, I am directed to request the concurrence of the House of Representatives.

No. 27. A bill mentioned in said message, was taken up, read a first time and passed to a second reading on to-morrow.

Mr. Johnson, from a select committee of this House, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of John Elston and others, praying the location of a State road, have had that subject under consideration, and have directed me to report the following section and recommend that it be committed to the committee on roads, and that it be inserted in the general bill, to-wit:

That Laban Harding, Jun., William C. Martindale of the county of Marion, and Thomas P. Miller of Boone county, be, and they are hereby appointed commissioners to view, mark and locate a State road, commencing on the National road at Nathaniel Bolton's tavern, Marion county, thence by Harding's mill, crossing the Lafayette road at James McVay's, thence with the county road to Isaac Sweeney's, thence by Dye's mill on Eagle creek, in Boone county, to intersect the Michigan road at Eagle Village;

Which report and section were concurred in by the House, and referred to the committee on roads.

Mr. Carter, from the committee on the State Library, made the following report:

MR. SPEAKER:

The committee on the State library, to whom was referred a communication of John B. Dillon, have had the same under consideration, and have instructed me to return it to this House, and request that it may be referred to a select committee, and that this committee be discharged from the further consideration of the same;

Which report was concurred in by the House;

Whereupon, the chair appointed the following gentlemen said select committee, viz:

Messrs. Brown of D., Hillis, Wilson, Stratton and Bradley.

Mr. Edwards (in pursuance of notice given) offered the following resolution:

Resolved, That the thirty-seventh rule of this House be so modified that, during the present session, there shall be only thirty minutes allotted to the introduction and discussion of resolutions, unless by leave of the House given;

Which was adopted;

On motion of Mr. Marvin,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of providing by law that the commissioners of the sinking fund be vested with power to sell mortgaged premises for the principal without the interest, when nothing further can be had; and further, that they be authorized to take possession of forfeited lands, lease them out, and to adopt such means as to permit those lands from injury as the interest of the State requires; with leave to report by bill or otherwise.

JOINT RESOLUTIONS INTRODUCED.

By Mr. English:

No. 137. A joint resolution authorizing the State agent to employ an assistant or assistants if he finds the same necessary;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Millikin:

No. 138. A joint resolution giving individuals an opportunity to deposit money with the Treasurer of State, for the revised code;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Bradley:

No. 139. A joint resolution to provide for liquidation and payment of the remaining claims of contractors;

Which was read a first and second times; and,

On motion of Mr. Shoup,

Was referred to a select committee of Messrs. Bradley, Shoup and Goodenow.

ORDERS OF THE DAY.

No. 132. A bill to amend an act pointing out the mode of levying taxes; approved Feb. 12, 1841;

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 134. A bill to repeal certain acts therein named;

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

BILLS ON THIRD READING.

No. 88. A bill to legalize the acts of Isaac Tullus, late a justice of the peace for Rush county, Indiana;

No. 117. An act to increase the width of the Frankfort road;

No. 116. A bill for the relief of the people of Huntington county; All of which were read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Henley, (Mr. Davis of S. in the chair,)

The House took up bill,

No. 52. An act to provide for the reception of certain treasury notes in payment of county revenue, and for other purposes;

When Mr. Hargrove moved to reconsider the vote taken on yesterday on Mr. Bradley's instructions to said bill;

And the ayes and noes having been demanded by Messrs. Lowe and Bradley;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Butterfield, Campbell, Carter, Chrisman, Clements, Cooley, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mathers, Meeker, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Real, Rich, Roberts, Rose, Shoup, Snook, Steele, Stewart, Strain, Sumner, Swihart, Tingley, Wilson and Mr. Speaker.—66.

Those who voted in the negative were,

Messrs. Bradley, Butler of V., Claypool, Cuppy, Edwards, Flannagan, Foulke, Francis, Gorman, Huckaby, Logan, Millikin, Mitchell, Montague, Proctor, Robinson, Simonson, Stratton, Summers, Thompson, and Wheeler—21.

So said motion prevailed.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that he has this day approved and signed,

No. 99. An act to legalize the appointment of certain constables in Henry county;

Which originated in the House of Representatives.

Mr. Henly moved to amend the instructions of Mr. Bradley, to bill No. 52, by adding the following, to-wit:

"To make it lawful for the county boards to receive treasury notes at their discretion;"

And the ayes and noes having been demanded by Messrs. Bradley and Edwards;

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of D., Brown of White, Butler of V., Butterfield, Campbell, Claypool, Cooly, Cuppy, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Flannegan, Foulke, Francis, Gorman, Lewis, Logan, Marvin, Millikin, Mitchell, Montague, Moore of Floyd, Nelson, Norvell, Patrick, Robinson, Shoup, Simonson, Snook, Stratton, Summers, Thompson, Wheeler and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Marion, Brown of R., Butler of R., Carter, Chrisman, Clements, Dunn, English, Fuller, Gilbert, Goode now, Hardin, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lingle, Lowe, Major, Marsh, Matheny, Mathers, Meeker, Moore of Owen, Myers, Nees, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Rose, Steele, Stewart, Strain, Sumner, Swihart, Tingley and Wilson—50.

So said amendment was not adopted.

Mr. Simonson moved to amend the amendment as follows:

Also, to amend by striking out the provision that requires the payment of any portion of the trust funds into the State Treasury, and provide that the surplus revenue agents, college fund agent, and school commissioners be authorized to loan out the principle and interest of said funds paid in, as heretofore.

Mr. Clements moved the previous question, which was seconded by the House;

The question then recurring shall the main question be now put?

And the ayes and noes having been demanded by Messrs. Bradley and Huckaby.

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of R., Brown of White, Butler of R., Butterfield, Carter, Chrisman, Claypool, Clements, Cooley, Davis of Sullivan, Dunn, Edmonson, English, Fuller,

Gilbert, Goodenow, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Lowe, Major, Marsh, Matheny, Mathers, Meeker, Moore of Floyd, Moore of Owen, Myers, Nees, Norvell, O'Neal, Osborn, Patrick, Peak, Real, Rich, Roberts, Rose, Steele, Stewart, Strain, Summers, Sumner, Tingley and Wilson—54.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Butler of Vanderburgh, Campbell, Cuppy, Denny, Dufour, Edwards, Flannegan, Foulke, Francis, Gorman, Hardin, Huckaby, Lee, Logan, Marvin, Millikin, Mitchell, Montague, Nelson, Proctor, Robinson, Shoup, Simonson, Snook, Stratton, Swihart, Thompson, Wheeler and Mr. Speaker—32.

So said question was decided in the affirmative.

The question then recurring, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Butler of V. and Roberts;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of M., Brown of R., Brown of W., Butler of R., Carter, Chrisman, Claypool, Clements, Cooley, Davis of S., Denny, Dunn, Edmonson, English, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mathers, Meeker, Millikin, Moore of O., Myers, Nees, Norvell, O'Neal, Osborn, Patrick, Peak, Real, Rich, Roberts, Rose, Snook, Steele, Stewart, Strain, Summers, Sumner, Tingley and Wilson—60.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of D., Butler of V., Butterfield, Campbell, Cuppy, Dufour, Edwards, Flannegan, Francis, Gorman, Huckaby, Logan, Mitchell, Montague, Moore of F., Proctor, Robinson, Shoupe, Simonson, Swihart, Thompson, Wheeler and Mr. Speaker.—23.

So said bill passed.

Mr. Brown of M. moved to reconsider the vote just taken upon the passage of the bill;

But before any action was had thereon,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DEC. 28, 1842.

The House met pursuant to adjournment.

Mr. Shoupe moved to reconsider the vote taken on yesterday—a joint resolution No. 139, referring the same to a select committee;

Which motion prevailed.

Then, on motion, the same was referred to the committee on canals and internal improvements.

PETITIONS, &C., PRESENTED:

By Mr. Foulke, of the committee of the "Wayne county Medical Society," praying that said society might be incorporated;

Which was referred to a select committee of Messrs. Foulke, Stratton, Claypool, Davis of S., Bowers, Hiatt and Shoupe.

By Mr. Edwards, of citizens of Crawford county, asking the appointment of commissioners, to relocate the county seat of said county;

Which was referred to a select committee of Messrs. Edwards, Huckaby, and Proctor.

By Mr. Norvell, of citizens of Greene, Martin, and Lawrence counties, praying a change of a certain State road therein named;

Which was referred to a select committee of Messrs. Norvell, O'Neal and Peak.

By Mr. Swihart, of citizens of Wabash county, praying the passage of an act establishing resident Prosecuting Attorneys in the several counties in this State, to be elected by the people.

Which was referred to the judiciary committee.

By Mr. Shoup, of citizens of Rush, Franklin and Fayette counties, asking that a certain road therein named might be re-established;

Which was referred to the committee on roads.

By Mr. Tingley, of citizens of Rush and Franklin counties, remonstrating against the same;

Which was referred to the same committee.

By Mr. Wheeler, of citizens of Marshall county, praying the passage of an act requiring the voters of said county, to vote in their respective townships;

Which was referred to the committee on elections.

By Mr. Sluss, of citizens of Monroe county, praying the change in a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Simonson, of Charles Dewey and others, praying the vacation of a certain street and alleys in the town of Charlestown, Clarke county, Indiana;

Which was referred to the committee on incorporations.

By Mr. Williams, of Lysanter Noe, praying to be divorced from Mary, his wife;

Which was referred to the committee on the judiciary.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred the petition of sundry citizens of Perry county, and the petition of Wm. Marshall and George Ewing, in relation to releasing Wm. Marshall from his liability for taxes collected in said county in the years 1835—'36 and '37, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject and ask to be discharged from its further consideration;

Which was read and concurred in.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred,

No. 131. A bill abolishing the office of county auditor in certain counties, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage;

Which was read a second time and re-committed to the committee on revision.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred,

No. 126. A bill giving further time to the treasurer of Perry county to pay over the revenue for the years 1841—'42, have had the same under consideration and have directed me to report the same back to the House and recommend its passage;

Said bill was then read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Robinson, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred a resolution directing that committee to enquire into the expediency of amending the law relative to elections, so as to compel voters to vote in the township in which they reside, have had the same under consideration and a minority of that committee have directed me to report the following bill upon that subject and recommend its passage:

No. 140. An act amendatory of the law regulating general elections;

Which was read a first and second times; when,

Mr. Lowe moved to lay it on the table.

And the ayes and noes having been demanded by Messrs. Roberts and Robinson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of R, Butler of Vanderburgh, Chrisman, Clements, Davis of Sullivan, Dufour, Edmonson, Edwards, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hillis, Hodges, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Marvin, Mathers, Mitchell, Montague, Moore of F., Moore of Owen, Myers, Nees, Norvell, O'Neal, Peak, Proctor, Real, Rich, Roberts, Rose, Shoup, Simonson, Sluss, Steele, Stewart, Strain, Summers, Wilson and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Bowers, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Claypool, Coffin, Cooley, Cuppy, Denny, Dunn, Foulke, Huckaby, Jackson, Major, Matheny, Meeker, Milliken, Nees, Osborn, Patrick, Robinson, Snook, Stratton, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and Williams.—32.

So said motion prevailed.

Mr. English made the following report, to wit:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, and find the same correctly enrolled, to wit:

No. 133. An act authorizing the sheriff of Sullivan county to select appraisers in a certain case therein named.

No. 13. An act to establish an additional place of holding elections in Greenville township, Floyd county.

Mr. Robinson, chairman of the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the certificates of the election of members of this House, have examined the same and find, upon the said examination, that the following named persons were duly elected Representatives to this House, on the first Monday of August last, and in pursuance of the laws of this State, from the several counties of this State, to wit:

From the county of

Allen.—Lewis G. Thompson.

Adams and Jay.—Nathan B. Hawkins.

Bartholomew.—Aquilla Jones.

Benton, White, Jasper and Pulaski.—Ira Brown.

Boone.—John Chrisman and Jonathan H. Rose.

Clay.—John B. Nees.

Clarke.—Thomas J. Henley and John Simonson.

Crawford.—John Edwards.

Carroll.—Andrew L. Robinson.

Cass.—Chauncey Carter.

Clinton.—Andrew Major.

Decatur.—David Montague.

Dearborn.—James P. Millikin, Ethan Allen Brown and John Lewis.

Daviess.—Richard A. Clements.

Dubois.—Benjamin R. Edmonson.

Delaware.—Goldsmith C. Gilbert.

Elkhart.—John Jackson.

Fayette.—Newton Claypool and Minor Meeker.

Floyd.—Nathaniel Moore.

Franklin.—George G. Shoup and John F. Cooley.

Fountain.—John Stewart and Joseph McCormick.

Gibson.—John Hargrove.

Greene.—John F. O'Neal.

Grant.—John Dunn.

Hamilton.—Allen Sumner.

Harrison.—Frederick Leslie and George P. R. Wilson.

Hendricks.—Henry R. Marvin.

Henry.—Simon Summers and Isaac Parker.

Hancock.—Joseph Mathers.

Huntington, Wells and Blackford.—William Prilliman.

Jackson.—Ezekiel L. Dunbar.

Jefferson.—David Hillis and Samuel Goodenow.

Jennings.—Dewitt Clinton Rich.

Johnson.—Franklin Hardin.

Knox.—John Myers.

Kosciusko and Whitley.—Abraham Cuppy.

Lawrence.—Ralph G. Norvell.

Lagrange and Noble.—William Mitchell.

Laporte.—John H. Bradley, John Francis.

Madison.—Robert N. Williams and John Davis.

Marion.—William J. Brown and Thomas Johnson.

Martin.—Cager Peak.

Monroe and Brown.—John M. Sluss and Willis A. Gorman.

Montgomery.—John Nelson, Henry T. Snook.

Morgan.—Francis A. Matheny.

Marshall and Fulton.—Amzi L. Wheeler.

Miami and Wabash.—Gabriel Swihart.

Orange.—Henry Lingle.

Owen.—George W. Moore.

Parke.—William G. Coffin, Geo. R. Steele.

Perry—Joshua B. Huckaby.

Pike—Alvan Thomas Whight.

Posey—Arza Lee.

Putnam—John H. Roberts, John Real and James Denny.

Porter and Lake—Adam S. Campbell.

Randolph—Robert W. Butler.

Ripley—Henry J. Bowers.

Rush—George B. Tingley, George W. Brown and Joseph Lowe.

Scott—Elisha G. English.

Shelby—Fletcher Tevis.

Spencer.—John Proctor.

Sullivan.—John W. Davis.

Switzerland.—Perret Dufour.

St. Joseph—Hugh C. Flannegan.

Steuben and DeKalb.—Madison Marsh, (by resolution of the House.)

Tippecanoe—William L. Leyman, Isaac Shelby.

Union—James Osborn.

Vanderburgh—William B. Butler.

Vermillion—William Bales.

Vigo—John Hodges, John Strain, Septer Patrick.

Warrick—Isham Fuller.

Washington—Ezekiel D. Logan and Valentine Baker.

Wayne—Daniel Stratton, William R. Foulke and Allen Hiatt.

Warren—Nathaniel Butterfield;

Which report was concurred in and said committee discharged from the further consideration of the same.

Mr. Norvell reported the following bill:

No. 141. A bill in relation to school districts;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Leslie, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to which was referred a petition of the citizens of Aurora in Dearborn county, praying authority by law to work out their road tax on the streets and alleys of said town, have, according to order, had that subject under consideration, and find that by an act of the last General Assembly, the board doing county business for the several counties in this State, are fully authorized and empowered to divide their respective road districts in such a manner as will best suit the convenience of the hands working the same, and are amply qualified to redress the grievance complained of by the said petitioners; they, therefore, have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in and the committee discharged.

Mr. Leslie, chairman of the committee on roads, made the following report.

MR. SPEAKER:

The committee on roads, to which was referred a petition and remonstrance of citizens of the county of Franklin, praying for, and remonstrating against, the vacation and change of a part of a State road leading from Laurel to Brookville in said county, have, according to order considered that subject, and find that the county board for said county is now by law amply qualified to adjust the grievance complained of by said petitioners; therefore, have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Carter, a member of the committee on canals and internal improvements, reported the following bill:

No. 142. A bill regulating the rate of tolls on the Wabash and Erie canal;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House,

No. 94. To amend an act to incorporate the Buffalo and Mississippi Railroad Company, have had the same under consideration, and directed to report said bill back to the House without amendment, and recommend its passage;

Which bill was read a second time and engrossed for a third reading on to-morrow.

Mr. Roberts, a member of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred a bill of the House,

No. 125. An act entitled an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad Company, have had the same under consideration, and directed me to report the same back to this House, and recommend its passage;

Which bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Brown of R., from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred, bill No. 67. To amend an act entitled an act to amend an act entitled an act to incorporate the Liverpool bridge company, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage;

Which bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Bowers, a member, made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred a communication of Jesse Hunt in behalf of himself and others, who subscribed for stock in the Lawrenceburgh and Indianapolis Railroad company, have, according to order, had said communication under consideration and have directed me to report that they deem it inexpedient to legislate upon the matters therein contained, and ask to be discharged from the further consideration thereof;

Which report was read and concurred in.

Mr. Brown of D. moved to discharge the committee on the State bank from the consideration of the report of the commissioners of the sinking fund, and refer it to the committee of ways and means;

Which was agreed to.

Mr. Davis of S., reported the following bill:

No. 143. A bill to divide the State into congressional districts;

Which was read a first and second times; when

Mr. Thompson moved to amend the bill as follows:

By striking out "Union" from the 3d, and inserting "Rush," and to insert "Union" in the 4th district;

And, also, by striking "Hendricks" from the 7th district, and inserting "Fountain," and to insert Hendricks in the 8th district;

Also, to amend by adding another section as follows:

That no person shall be declared elected a Representative in Congress of the United States, unless he shall have received a majority of all the votes cast at such election for said office;

Mr. Brown of M. moved to lay said bill on the table with amendments, and print one hundred copies of the bill for the use of this House;

Mr. Hodges thereupon called a division of the question;

The question then recurring on Mr. Brown's motion to lay on the table, and print one hundred copies;

And the ayes and noes being demanded by Messrs. Foulke and Hillis;

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Brown of M., Brown of R., Butler of R., Butler of V., Campbell, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of S., Denny, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Gorman, Hardin, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Moore of F., Myers, Nelson, Norvell, O'Neal, Osborn, Peake, Robinson, Rose, Shoupe, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swilart, Tevis, Thompson, Wheeler, Williams, Wilson and Mr. Speaker.—70.

Those who voted in the negative were,

Messrs. Baker, Bowers, Butterfield, Clements, Goodenow, Hargrove, Hawkins, Hillis, Jackson, Marsh, Matheny, Moore of Owen, Nees, Patrick, Proctor, Real, Rich and Roberts—19.

So said bill and amendments were laid on the table, and one hundred copies of the bill ordered to be printed.

The question then recurring, shall the amendment of Mr. Thompson be also printed;

And the ayes and noes having been demanded by Messrs. Bradley and Lowe;

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of D., Brown of Marion, Brown of R., Butler of V., Butterfield, Claypool, Clements, Coffin, Davis of S., Denny, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Johnson, Lee, Leslie, Lingle, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Robinson, Sluss, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams and Wilson—49.

Those who voted in the negative were,

Messrs. Baker, Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, English, Fuller, Gilbert, Gorman, Hardin, Hargrove, Jackson, Jones, Lewis, Logan, Major, Marsh, Matheny, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Roberts, Rose, Shoup, Simonson, Snook, Wheeler and Mr. Speaker.—41.

So said amendment was ordered to be printed.

Mr. Edmonson moved to reconsider the vote just taken on the printing of the amendment of Mr. Thompson;

And the ayes and noes having been demanded by Messrs. Clements and Thompson;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of R., Butler of Randolph, Campbell, Carter, Chrisman, Clements, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Major, Marsh, Marvin, Matheny, Milliken, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Wheeler, Wilson and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Marion, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cuppy, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lowe, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley and Williams—34.

So said motion was decided in the affirmative.

The question then was, shall the amendment of Mr. Thompson be ordered to be printed;

Which was not agreed to.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred bill,

No. 29. Of the House, entitled a bill to amend an act authorizing aliens and foreigners to hold real estate within the State of Indiana, approved January 25th, 1842; and, also, bill of the House,

No. 24. Entitled a bill to regulate the rate of interest upon money; and, also, a resolution instructing this committee to enquire into the expediency of regulating the law of evidence, so as to designate in what manner depositions taken out of the United States, to be read in any judicial proceeding in this State, shall be authenticated; and, also a resolution of this House, with regard to so amending the law of evidence, so as to prohibit any inquiry, whatever, into the religious belief of witnesses; and, also, a resolution directing this committee to provide by law for a new election in all cases where any two or more persons shall have the highest and equal number of votes for Representative or Senator in the General Assembly;

And, also, a resolution requiring that this committee so arrange the law of elections in the different townships, in the several counties, so as to have all their annual elections come on the same day:

And, also, the petition of numerous citizens of Scott county, praying that the said county may be included in an act concerning petit jurors in certain counties therein named, approved January 22, 1842, have, according to the order of the House, had the said several subjects embraced in the said bills, resolutions and petition under their consideration, and have directed me to report to this House, that the said several propositions are amply provided for in the proposed revision of the laws, and the committee ask to be discharged from the further consideration of the same;

Which report was concurred in by the House, and said committee were discharged from the further consideration of the same.

BILLS PRESENTED.

By Mr. Dunn, from a select committee, to whom was referred the petition of Mrs. Abigail Frask, reported the following bill and asked its passage:

Bill No. 144;

Which was read a first, second and third times, (the rules being suspended for that purpose,) and passed.

Mr. Gorman, from the committee on revision, asked and obtained leave to make the following report:

MR. SPEAKER:

The committee on revision, to whom was referred a bill of the House,

No. 136. Entitled a bill reducing the expenses of the county of Porter, and for selecting petit jurors therein, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage:

No. 136. An act reducing the expenses of the county of Porter, and for selecting petit jurors therein;

Which was read a second and third times, (the rules being suspended for that purpose,) and passed.

On motion of Mr. Brown of M.,

The House took from the table bill,

No. 52. An act to provide for the reception of certain treasury notes in payment of county revenues, and for other purposes.

When the Speaker announced the question to be on the reconsideration of the vote taken on yesterday, on the passage of said bill:

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of D., Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Carter, Coffin, Cooley, Cuppy, Davis of S., Denny, Dufour, Edmonson, Edwards, En-

glish, Flannegan, Foulke, Francis, Goodenow, Gorman, Hardin, Hargrove, Hillis, Huckaby, Jones, Leslie, Lingle, Logan, Marsh, Marvin, Matheny, Mathers, Millikin, Mitchell, Montague, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Proctor, Rich, Robinson, Shoup, Simonson, Sluss, Snook, Stewart, Summers, Swihart, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker.—63.

Those who voted in the negative were,

Messrs. Brown of M., Brown of R., Chrisman, Claypool, Clements, Dunn, Fuller, Gilbert, Hawkins, Hodges, Jackson, Johnson, Lee, Lewis, Lowe, Major, Meeker, Real, Roberts, Rose, Steele, Strain, Sumner, Tevis, and Williams—25.

So said vote was reconsidered.

Mr. Brown of M. moved to recommit the bill to a select committee, with the following instructions:

That so much of any such sums so received, shall immediately be reloaned by the agent or agents, receiving the same: *Provided*, the same can be so reloaned upon good freehold security, at the amount expressed upon their face, without interest.

Mr. Shoup moved further to instruct said committee as follows:

That it shall be the duty of each county treasurer to keep a correct account of the interest allowed on treasury notes received in payment of State taxes, and such account shall be exhibited to the State Treasurer, under oath, who shall allow the interest thus certified in the settlement with such county treasurer.

Which was not agreed.

Mr. Simonson moved further to instruct as follows:

To amend by striking out that provision which requires the payment of any portion of the trust funds into the State Treasury and provide that the surplus revenue agents, college fund agent, and school commissioners be authorized to loan out the principal and interest of said funds paid in as heretofore.

And a division of the question having been called for:

The question then recurred, shall the bill be recommitted;

Which was decided in the affirmative.

And, on motion of Mr. Moore of Owen, the bill with all the instructions was recommitted to a select committee of Messrs. Hillis, Lowe and Carter.

The following message was received from the Senate, by Mr. Maquire, their Principal Secretary:

MR. SPEAKER:

The Senate has adopted the following resolution:

Resolved, That there be appointed (by the President of the Senate)

a select committee of two, to act with a similar committee of three, on the part of the House, whose duty it shall be to examine the several reports and vouchers on file in the office of the Auditor of State, made and filed by the agent or agents of the Madison and Indianapolis Railroad, for the years 1841 and 1842; and to report to their respective branches of this legislature, all information derived from such examination, which they shall deem important, and that the concurrence of the House herein is respectfully requested;

Messrs. Kelso and Miller are appointed the committee on the part of the Senate.

On motion of Mr. Summers,

Leave of absence was granted to Mr. Parker;

And on motion of Mr. Robinson,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, DEC. 29, 1842.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill and a joint resolution of the House of Representatives, entitled as follows, viz:

No. 38. An act to vacate a part of the town of Claysville;

No. 57. A joint resolution in relation to the postage on Newspapers, Pamphlets, &c.;

The first named without amendment, and the last with two amendments;

In which amendments the concurrence of the House of Representatives is respectfully requested.

Mr. Davis of S. moved to concur with the amendments of the Senate, to the joint resolution of the House, No. 51, with the following amendment:

Strike out all after the word "therein," in the seventh line thereof.

The question then recurring on the amendment proposed by Mr. Davis of S.;

Messrs. Gorman and Butler of V., demanded the ayes and noes;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of D., 'Brown of M., Brown of R., Brown of W., Butler of R., Campbell, Cooley, Cuppy, Davis of Madison, Davis of S., Denny, Dufour, Dunn, Edmonson, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Major, Millikin, Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Roberts, Rose, Shoup, Simonson, Sluss, Snook, Stewart and Mr. Speak-er.—45.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of V., Butterfield, Clements, Edwards, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Huckaby, Lee, Leslie, Logan, Marsh, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Steele, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams and Wilson—39.

So said motion on striking out prevailed.

Mr. Gorman moved to concur in the amendment of the Senate, with the following amendment, strike out "request" and insert "instruct;"

Which motion prevailed.

The Speaker laid before the House the following communication, from John Dumont, Prosecuting Attorney of the third judicial circuit, of the State of Indiana, viz:

To the Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—I have the honor to enclose to you a report of the Auditor of Switzerland county respecting the county Seminary of said county;

With due respect, yours,

JOHN DUMONT,
Prosecuting Attorney,
Third Judicial Circuit.

Dec. 19, 1842.

On motion of Mr. Brown of M.,

The same was referred to the committee on education.

Mr. Hargrove moved to reciprocate the resolution of the Senate, on yesterday, appointing a joint committee to examine and report the disposition of the several reports and vouchers, on file in the office of the Auditor of State, as filed by the agent or agents of the Madison and Indianapolis Railroad in the years 1841 and 1842;

Which motion prevailed.

PETITIONS WERE THEN PRESENTED.

By Mr. Snook, of Janet Mulloy, praying a divorce from James Mulloy;

Which was referred to a select committee of Messrs. Snook, Nelson and Stewart.

By Mr. Bales, of citizens of Perrysville, in relation to the construction of a river lock upon the Wabash and Erie canal, as therein named;

Which was referred to a select committee of Messrs. Bales, Coffin, Bradley, Steele, and Robinson.

By Mr. Cuppy, of Stephen Kitson, praying relief;

Which was referred to a select committee of Messrs. Cuppy, Wheeler and Jackson.

By Mr. Mitchell, of citizens of Lagrange county, in relation to school lands, and other purposes;

Which was referred to the committee on education.

By Mr. Johnson, of citizens of Marion and Hamilton counties, praying the appointment of commissioners, to locate a State road, as therein named;

Which was referred to a select committee of Messrs. Johnson, Rose and Summers.

By Mr. Mitchell, of citizens of Lagrange, Noble and Steuben counties, in relation to certain road taxes, as therein named;

Which was referred to the committee raised upon a similar subject.

By Mr. Brown of M., of numerous citizens of the State of Indiana, in relation to allowing bounties on silk;

Which was referred to a select committee of Messrs. Brown of M., Bradley, Foulke, Thompson and Robinson.

By Mr. Hawkins, of citizens of Jay county, praying a change in the time of holding the probate court in said county;

Which was referred to a select committee of Messrs. Hawkins, Butler of R., and Williams.

Mr. Dufour, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a resolution of this House requiring said committee to report a bill providing for numbering, registering, and burning Wabash and Erie canal scrip, and to provide proper checks on the commissioner, &c., in the receipt and disbursement thereof, report, that by an unaccountable omission in the law of last session in relation to issuing scrip for the construction of the Wabash and Erie canal east and west of Tippecanoe, no check was provided as to the commissioner east, and none on the Treasurer of State, as to the west end of said canal.

This, as your committee are informed, was, however, partially remedied by those officers; they having procured the amounts to be used by them respectively, to be first registered and signed by the Auditor and the proper charges; made against the Treasurer in the same manner, in which should have been provided by law.

The committee find (by information from the Auditor) that the Wabash and Erie canal scrip, issued by J. L. Williams, was never registered in either of the offices of Auditor or Treasurer, which in the opinion of the committee should be remedied, and the scrip cancelled and filed with the fund commissioners—should be entered in a register. Otherwise there is no check provided upon the commissioner.

The committee find that by the provisions of the act of last session, Chapter 148, it is made their duty to count—calculate the interest on, and compare each treasury note now in the Treasurer's office with the Auditor's and Treasurer's register thereof, and having made certificates of the amount of principal and interest to burn said notes.

It will be impossible for the committee to perform all these duties, which would require not less than 2 months constant labor. They have provided not only a full check upon the Treasurer of State in this particular duty; but have provided a remedy for the omissions referred to, in the accompanying bill; which the committee have directed me to report to the House and recommend its passage:

No. 145. A bill providing for the numbering, signing and registering the Wabash and Erie canal scrip east and west of Tippecanoe river, and for other purposes;

Read a first time and passed to a second reading on to-morrow.

Mr. Matheny, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a petition asking an explanation of the latter part of the first section entitled an act to regulate marriages, approved February 17th, 1838, have had that subject under consideration, and have directed me to report, that since the establishment of the new covenant they are not sufficiently advised, and ask leave to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Matheny, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution asking an amendment to the probate law, have had that subject under consideration, and as ample provision is made on that subject in the new revision, they ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Edwards, from a select committee, reported the following bill:

No. 146. A bill providing for the relocation of the seat of justice in the county of Crawford, and for other purposes;

Read a first and second times and engrossed for a third reading on to-morrow.

Mr. Hillis, from a select committee, to which was referred bill

No. 52. An act to provide for the reception of certain treasury notes in payment of county revenue, and for other purposes, reported the same back to the House with the following amendments, to wit:

The committee, to whom was referred a bill to provide for the reception of treasury notes in payment of county revenue, have had the same under consideration and recommend the following amendments, to wit:

1st. Add at the end of the first section the following proviso:

Provided, however, that the county treasurers shall, in the reception of scrip or treasury notes for county taxes or dues, note such amount in a book to be kept for that purpose; carefully keeping, as nearly as can be, such funds separate from similar funds received for State dues; and that they shall not either directly or indirectly apply such specific funds received for county dues, to the payment of State dues at the State Treasury and of the faithful observance of the requisitions of this proviso. The Treasurer of State is hereby authorized and required to administer an oath or affirmation.

2d. Amend the fifth section as follows:

Strike out all after the word "same" in the third line and insert as follows, to wit:

Be reloaned upon the same terms and condition as is now provided by law:

Which amendments were concurred in, the bill read a third time; when,

Mr. Butler of V. moved to recommit the bill to a select committee.

Mr. Robinson moved to recommit the bill to the judiciary committee with the following instructions:

To insert a provision that county treasurers shall not be compelled to receive State scrip in payment of county dues, unless directly ordered so to do by the boards doing county business, by an order to that effect entered in their respective order books.

Mr. Brown of M. moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put;

Which was decided in the affirmative.

The question then recurring, shall the bill pass;

And the ayes and noes having been demanded by Messrs. Stratton and Summers:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of R., Brown of

W., Butler of R., Campbell, Carter, Claypool, Clements, Coffin, Cooley, Davis of M., Dunn, Edmonson, English, Foulke, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mathers, Meeker, Millikin, Montague, Moore of O., Myers, Nees, Norvell, O'Neal, Osborn, Patrick, Proctor, Real, Rich, Roberts, Rose, Simonson, Sluss, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Tingley, Williams, Wilson and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of D., Butler of V., Butterfield, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Flannegan, Francis, Gorman, Huckaby, Logan, Mitchell, Moore of Floyd, Peak, Robinson, Shoup, Stratton, Thompson, and Wheeler—23.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clements, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred bill

No. 97. Entitled a bill to repeal an act for the election of county assessors, approved February 10th, 1841, and to provide for township assessors, have had the same under consideration and made four amendments thereto, in which they ask the concurrence of the House and recommend its passage.

Mr. Robinson, one of the above select committee, to whom the said bill was referred, dissents from the above report *in toto*.

Mr. Clements, from the select committee, to which was referred bill

No. 97. A bill to repeal an act for the election of county assessors, approved February 10th, 1841, and to provide for township assessors, reported the same back to the House with the following amendments:

1st amendment.

1st section, second line after the words, "shall be" strike out all to the word "annually," in the fifth line, and insert, "shall be elected on the first Monday in April."

2d amendment.

Also, in the fifth line, after the word "township," add "who shall be a citizen of the township."

3d amendment.

Also, in the seventh line, strike out the word "appointed" and insert "elected."

4th amendment.]

Wherever the word "appointment" occurs up to the 9th section strike it out and insert "elected;"

Which amendments were concurred in.

On motion of *Mr. Edwards*,

The bill was referred to the committee of the whole House, to whom the revision was referred.

The following message was received from His Excellency, the Governor, by *I. H. Kiersted*, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he has this day, approved and signed the following acts:

No. 133. An act authorizing the sheriff of Sullivan county to select appraisers in a certain case therein named.

No. 13. An act to establish an additional place of holding elections in Greenville township, Floyd county;

Which originated in the House of Representatives.

Mr. Gorman, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom that subject has been referred have had the same under their further consideration, and have directed me to report the following additional part thereof, to wit:

Of the county business of the several counties in this State, and of the county auditor, assessor and treasurer, and recommend that it be read and passed.

Which amendments were concurred in, the bill read a first and second times; when,

On motion of *Mr. Gorman*,

The House resolved itself into a committee of the whole, upon said revision;

Mr. Lowe in the chair, and after having spent some time therein, the committee rose, and through their chairman, reported progress, and asked leave to sit again.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Cuppy, on leave granted, reported the following bill:

No. 147. A bill for the relief of Stephen Kitson, of Kosciusko county;

Which was read three several times and passed;

Ordered, That the clerk inform the Senate thereof.

Mr. Fuller, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Warrick county, praying that the prosecuting attorney of the fourth judicial circuit, be authorized to enter a *nolle prosequi* in the Warrick circuit court, to the indictments found against officers of said county, for a non-compliance with an act, entitled an act, applying certain funds to purposes of education; approved Jan. 31st, 1842; report that they have had the subject under consideration, and have instructed me to report the following bill, and request its passage, to-wit:

No. 148. An act for the relief of certain persons therein named;

Which was read a first time; when,

Mr. Butler of V. moved to amend by striking out from the enacting clause;

Which was agreed to, the bill read a second and third times, and passed;

Ordered, That the clerk inform the Senate thereof.

Mr. Shoup introduced the following bill:

No. 149. A bill to appoint commissioners to locate a State road in the counties of Fayette and Franklin;

Which was read a first and second times and referred to the committee on roads.

Mr. Norvell introduced the following bill:

No. 150. An act amendatory to an act, concerning clerks; approved Jan. 20, 1831;

Which was read a first and second times; when

Mr. Robinson moved that it be referred to the select committee of revision, with the following instructions, viz:

To incorporate its provisions into the revision of the laws:

Mr. Rich moved to commit the bill to the judiciary committee;

Which was not agreed to;

And a division of the question being called for, the question recurring, shall the bill be committed;

Which was decided in the affirmative.

the question then recurring upon the adoption of the instructions as proposed by Mr. Robinson;

Which was not agreed to.

The following message was received from the Senate, by Mr. Mitchell, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House; No. 147. A bill for the relief of Stephen Kitson, of Kosciusko county;

On motion of Mr. Gorman,

The House resolved itself into a committee of the whole on the revision, with Mr. Bowers in the chair, and after having spent some time therein, the committee rose, and through its chairman, reported progress, and asked leave to sit again;

And on motion,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DEC. 30, 1842.

The House met pursuant to adjournment.

On motion of Mr. Proctor,

Leave of absence was granted to Mr. Norvell.

On motion of Mr. Edmonson,

The regular order of business was suspended, in order to take up bills on a second and third reading.

The Speaker announced the following named gentlemen as a committee, to act with a similar committee on the part of the Senate, to-wit:

Messrs. Dufour, Jones and Coffin.

The Speaker laid before the House, the following communication from his Excellency, the Governor, viz:

EXECUTIVE DEPARTMENT, }
December 30, 1842. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

The accompanying communication from the officers of the Indianapolis Railroad Company, has just been received, which you will please lay before the House, over which you have the honor to preside.

It will be perceived that the subject is one over which I have no control; but I may be permitted to say, that as under the law, the income of the road goes towards the completion of the unfinished part of the work, and as it is greatly to the interest of the company, that the finished portion of the work should be prudently and properly managed, no detriment can certainly arise from yielding its control to the company at this time; the more especially as the company will no doubt be entitled to this control, within a few weeks after the adjournment of the Legislature.

I have the honor to be,

Yours, most respectfully,

SAMUEL BIGGER.

Which was read, and referred to the committee on canals and internal improvements.

The House then took up the following message of the Senate:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled ;

No. 51. An act to amend an act entitled an act, relative to crime and punishment; approved Feb. 10, 1831;

In which the concurrence of the House of Representatives is requested.

Said bill, mentioned in said message, was read a first and second times; when

Mr. Leslie moved to amend said bill by adding the words, "from and after its publication in the State Sentinel and Indiana Journal,"

Which was agreed to;

The bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Maquire, their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled as follows, viz:

No. 48. An act to amend an act, approved Jan. 31st, 1842, entitled an act to amend an act, entitled an act to organize the militia of Indiana; approved Feb. 10th, 1831;

In which I am directed to request the concurrence of the House of Representatives ;

Which was taken up, the bill read a first and second times, and on motion referred to the committee on military affairs.

No. 138. A joint resolution in relation to the new Revised Code;
Read a second time and committed to the committee of ways and means.

No. 137. A joint resolution authorizing the State agent to employ an assistant or assistants, if he should find the same necessary;

Read a second time and referred to the committee of ways and means.

No. 27. Of the Senate, an act to amend an act entitled an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana, approved January 6th, 1841;

Read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 141. A bill in relation to school districts;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 145. A bill providing for the numbering, signing and registering the Wabash and Erie canal scrip east and west of Tippecanoe river, and for other purposes;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 142. An act regulating the rate of tolls on the Wabash and Erie canal;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

BILLS ON A THIRD READING.

No. 95. An act to appoint commissioners to determine the boundaries between the counties of Floyd and Clarke;

Read a third time and laid on the table.

No. 93. An act for the relief of Jacob Bookwalter;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 90. A bill for the relief of school district No. 2, in township No. 35 and 36 north, of range No. 2 west, in Laporte county;

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 89. A bill for the relief of Dr. Daniel M. Spencer;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 146. A bill providing for the relocation of the seat of justice in the county of Crawford, and for other purposes.

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 65. A joint resolution in relation to the completion of the Wabash and Ohio canal;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 100. A bill for the relief of Job B. Eldridge, Thomas J. Cummings, and Isaac Clavey and others;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 101. A bill to authorize John Sour to build a mill dam across the Wabash river;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 102. A bill for the relief of Alexander Owens.

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 108. An act for reducing the expenses of Putnam county, and for selecting petit jurors therein,

Read a third time; when,

Mr. Robinson moved to commit the bill to the committee on revision.

Mr. Thompson moved to instruct the committee to incorporate it in the revision, and make it a general law.

And the ayes and noes having been demanded by Messrs. Thompson and Robinson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of M., Brown of R., Butler of R., Butler of V., Campbell, Claypool, Clements, Coffin, Davis of M., Davis of Sullivan, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gilbert, Hardin, Hargrove, Hiatt, Hodges, Huckaby, Johnson, Jones, Lewis, Logan, Marvin, Matheny, Mathers, Milliken, Moore of Owen, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Sluss, Sumner, Thompson, and Williams.—46.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Brown of White, Butterfield, Carter, Chrisman, Cooley, Cuppy, Edwards, Foulke, Goodenow, Hawkins, Hillis, Jackson, Lee, Leslie, Lingle, Lowe, Major, Meeker, Mitchell, Montague, Myers, Nelson, Rich, Robinson, Rose, Simonson, Snook, Steele, Stewart, Stratton, Summers, Swihart, Tevis, Tingley, Wheeler, Wilson and Mr. Speaker—39.

So said instructions were adopted.

Mr. Thompson moved further to instruct the committee, "that each party shall have the right to peremptorally challenge eight jurors."

Mr. Hillis moved to amend by striking out "eight" and inserting "ten;"

Which was accepted by the mover.

Mr. Bradley moved to strike out the word "ten" and insert "eight."

Question then recurring upon the adoption of Mr. Thompson's instruction;

Which was agreed to.

Mr. Clements moved to instruct the committee to insert a provision "that such challenges shall not effect the laws now in force in criminal cases."

The question then recurring upon the adoption of the instructions as amended;

Which was agreed to.

No. 113;

Read a third time and passed; when,

Mr. Bradley moved to amend the title to said bill, by making it read—

An act fixing a premium on wolf scalps;

Which was agreed to.

Ordered, That the clerk inform the Senate thereof.

No. 111. A bill for the relief of Adam Clark, a justice of the peace;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 79. A joint resolution in relation to the grand rapids of the Wabash river;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 107. A bill to reinstate a certain tract of seminary lands therein named;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 115. A joint resolution relative to the tariff law;

Read a third time; when,

Mr. Thompson moved to recommit with instructions;

Which was objected to, as being a rider, and a point of order arose; upon which the Speaker took time until the next meeting of the House to determine.

No. 28. Of the Senate; a bill relative to the collection of delinquent taxes;

Read a third time; when,

Mr. Moore of O. moved to commit the bill to a select committee with instructions to strike out the penalty wherever it occurred;

Which was agreed to.

Moore of O., Leslie and Clements were appointed said select committee.

Mr. Bradley moved further to instruct as follows:

To provide that all delinquent taxes, previous to the assessment of 1842, may be discharged by the payment of the original tax with six per cent. interest thereon, if paid before the 1st day of July, 1843;

Which was adopted.

Mr. Clements moved to instruct the committee to enquire whether a law to that effect has not been passed at this session;

Which was agreed to.

No. 82;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 132. A bill to amend the act pointing out the mode of levying taxes, approved February 12th, 1841;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 123. An act to provide for paying claims and purchasing land and sites, for water power on the Wabash and Erie canal;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 125. An act to amend an act entitled an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad company;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 134. A bill to repeal certain acts therein named;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 67. A bill to amend an act entitled an act to amend an act entitled an act to incorporate the Liverpool bridge company;

Read a third and passed.

Ordered, That the clerk inform the Senate thereof.

No. 126. A bill giving further time to the Treasurer of Perry county:

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 94. A bill to amend an act to incorporate the Buffalo and Mississippi Railroad company;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

PETITIONS PRESENTED.

By Mr. Butler of V., the petition of Henry Huhn, asking for a divorce;

Which was referred to the judiciary committee.

By Mr. Prilliman, the petition of Charles P. Baldwin and others, praying for the location of a State road, as therein named;

Which was referred to the committee on roads.

By Mr. Jackson, the petition of E. W. H. Ellis and others, of Elkhart county, praying for the passage of a law giving the board of equalization jurisdiction over the appraisement of all real estate in said county, with power to correct errors, &c.;

Which was referred to a select committee of Messrs. Jackson, Cuppy, and Campbell.

By Mr. Foulke, the petition of Macy B. Maulsley and others, citizens of Wayne county, praying for the location of a State road, as therein named;

Which was referred to a select committee of Messrs. Foulke, Hiatt and Stratton.

The House took up the following message of the Senate, which was received by *Mr. Mitchell*, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has disagreed to the amendment of the House of Representatives to the first amendment of the Senate to the joint resolution of the House of Representatives,

No. 51. Entitled a joint resolution in relation to postage on newspapers, pamphlets, &c.;

And that the Senate has concurred in the amendment of the House of Representatives to the second amendment of the Senate to said joint resolution, with an amendment, in which the concurrence of the House of Representatives is requested.

Mr. Hargrove moved that the House would insert upon their first amendment, as disagreed to by the Senate;

Which was agreed to.

The second amendment was concurred in by the House.

Mr. English, from the committee on enrolled bills, made the following report, to wit:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, and find the same truly enrolled, to wit:

No. 147. An act for the relief of *Stephen Kitson*.

No. 38. An act to vacate part of the town of *Claysville*.

Mr. Robinson, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of *John Brookbank*, praying for relief, have had the subject mentioned in the said petition under consideration, and have directed me to report the following bill and recommend its passage.

No. 151. A bill for the relief of *John Brookbank*;

Read a first and second times, and referred to the committee on revision, with instructions to make it a general law.

Mr. O'Neal made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred joint resolution,

No. 5. Of the House, have had the same under consideration, and

have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Also, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a resolution of the House instructing said committee to enquire into the expediency of re-appraising the canal lands lying in the counties of Fulton, Marshall, Lake and Porter, have had the same under consideration, and have directed me to report the same inexpedient and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Hargrove, chairman of the committee on corporations, reported the following bill:

No. 152. A bill to vacate Oak street and certain alleys in the town of Charleston, in the county of Clarke;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Robinson, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee on revision, have directed me to report to this House the following bill, and recommend its passage; a bill entitled "of the assessment and collection of taxes;"

Which was read a first and second times, and referred to a committee of the whole House on to-morrow.

Mr. Lingle, from a select committee, reported the following bill:

No. 153. A bill for the relief of the purchasers of the saline lands in the county of Orange;

Which was read a first and second times, and referred to a select committee of Messrs. Logan, Baker and Lingle.

Mr. Hawkins from a select committee, reported the following bill:

No. 154. A bill to incorporate the town of Portland, in the county of Jay;

Which was read a first and second times, and referred to the committee on corporations.

Mr. Rose, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House, No. 130, regulating the jurisdiction of justices of the peace in the county of Boone, have had the same under consideration, and have

directed me to report the same, with one amendment, and ask the concurrence of the House, and recommend its passage;

At the close of the third section, insert the following:

The amendment was concurred in, the bill read a second time; when,

Mr. Lowe moved to refer the bill to the committee on revision, with instructions to make it a general law.

The question then recurring on the commitment of the bill, with the instructions;

And the ayes and noes having been demanded by Messrs. Moore of O. and Clements;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Marion, Brown of R., Brown of White, Butler of R., Butler of Vanderburgh, Campbell, Chrisman, Clements, Coffin, Cooley, Davis of M., Dufour, Dunn, Edmonson, English, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hillis, Hodges, Jackson, Johnson, Lee, Leslie, Lewis, Logan, Lowe, Major, Matheny, Mathers, Meeker, Mitchell, Millikin, Montague, Moore of Owen, Nelson, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Sluss, Snook, Steele, Stewart, Sumner, Swihart, Tervis, Thompson, Tingley, Williams, Wilson and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Butterfield, Claypool, Davis of Sullivan, Edwards, Flannegan, Foulke, Francis, Goodenow, Hiatt, Huckaby, Lingle, Marvin, Simonson, Stratton and Summers—17.

So said bill and instruction were committed to the committee on revision.

And on motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DEC. 31, 1842.

The House met pursuant to adjournment.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on the 3d inst. he approved and signed the following acts:

No. 38. An act to vacate a part of the town of Claysville;

No. 147. An act for the relief of Stephen Kitson;

Which originated in the House of Representatives.

Mr. Dufour, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill No. 122, entitled an act for the relief of William McCullough, deputy collector of the State and county revenue, in Cotton township, Switzerland county, State of Indiana, for the year 1841, have had the same under consideration, and have directed me to report the same back to the House with two amendments and recommend its passage.

1st. Strike out the word "five," in the first section.

2d. That said McCullough deposit the uncurrent notes in his possession, to-wit: seventeen dollars on the bank of Cincinnati, three dollars on the Lebanon Miami Banking Company; that he shall take the Treasurer's receipt therefor, and deposit the same with the Auditor of Public Accounts;

Which amendments were concurred in, the bill read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Swihart from a select committee reported the following bill:

No. 155. An act to legalize the location of a road, surveyed by W. G. Holman, in Miami county;

Read a first time and passed to a second reading on to-morrow.

RESOLUTIONS WERE THEN OFFERED.

On motion of Mr. Hargrove,

Resolved, That the committee on federal relations be, and they are hereby directed to enquire whether the municipal regulations of many of the towns bordering on the Mississippi river, operating very oppressively and unjustly upon our citizens, trading upon said river, which requires them to pay a license, together with an *ad valorem* tax, before they are permitted to sell the products of this State, within the limits of their respective corporations;

And, also, at the same time, exacting and collecting enormous wharfage from such of our citizens, trading as aforesaid, upon landing their crafts to the banks of said river, within the corporate limits of said towns, even in the absence of keeping up sufficient wharfs for the convenience of such traders, is not incompatible with the constitution of the United States, and laws, and ordinances of Congress, upon that subject, and if so, to recommend such measures for the action

of this Legislature, as will in their opinion, be most likely to remedy the imposition complained of, and report upon that subject by memorial and joint resolution to Congress, or otherwise.

On motion of Mr. Snook,

Resolved, That the Treasurer of State be requested to inform this House, the amount of Bank scrip in the Treasury, from what source it was derived, and by what authority it is disbursed to State officers and the members of this House.

On motion of Mr. Dufour,

WHEREAS, The frequent absence of members of this General Assembly, from their seats, from day to day, and for many days together, is calculated to impede the progress of Legislation and inconsistent with the duties which have devolved upon the members individually and collectively to the great expense of the people's money and neglect of their business and interest.

Therefore resolved, That the committee on public expenditures be required to report a bill to this House, providing that no member thereof, shall be entitled to receive pay as such member, for any portion of time he may have been, or in future may be voluntarily absent from the daily sessions of this Legislature.

BILLS INTRODUCED.

By Mr. Thompson:

No. 156. A bill relative to suits against Miami Indians;

Read a first and second times, and referred to the judiciary committee.

By Mr. Chrisman:

No. 157. An act to repeal an act, regulating distress for rent; approved Feb. 17, 1838;

Read a first and second times and referred to the committee on revision.

By Mr. Swihart:

No. 158. An act to amend an act, approved Jan. 29, 1842, entitled an act to prescribe the mode of doing township business in Miami county; approved Dec. 24, 1840,

Read a first time and passed to a second reading on to-morrow.

By Mr. O'Neal:

No. 159. An act to change the name of Henry Harrison Collins of Greene county;

Read three several and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Davis of S.:

No. 160. A bill for receiving State Scrip for Wabash and Erie canal lands;

Read a first and second times and referred to the committee of ways and means.

By Mr. Myers:

No. 161. An act authorizing the Recorder of Knox county to discharge the duty of the clerk of the probate court;

Read three several times, (the rules having first been suspended for that purpose) and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Tevis:

No. 162. An act to provide for an additional stay of execution in certain cases therein named;

Read a first time and passed to a second reading on to-morrow.

And, on motion,

The House adjourned until Monday morning, 9 o'clock.

HOUSE OF REPRESENTATIVES, }
SPECIAL SESSION, }

6 o'clock, P. M. Dec. 31, 1842.

The House having convened pursuant to the order of the Speaker, upon the occasion of the melancholy decease of the Hon. Ezekiel L. Dunbar, a member of this body, from the county of Jackson; when,

On motion of Mr. Brown of Marion,

Resolved unanimously, That the members and officers of the House of Representatives, as a tribute of respect to the Hon. Ezekiel L. Dunbar, late a member of this House, from the county of Jackson, will wear crape on the left arm, during the remainder of this session.

Resolved unanimously, That arrangements be made at the expense of the State to convey the body of the deceased to his family residence.

Resolved unanimously, That as an evidence of regard for the character and virtues of the deceased, the members and officers of this House, the Governor and Lieutenant Governor and officers of State, will form in procession at the Capitol, on to-morrow, (Sunday) at half past 9 o'clock, A. M., and move to the lodgings of the deceased in that order, and from thence attend the corpse to the limits of this city.

Resolved unanimously, That joint participation on the part of the members and officers of the Senate, be requested in the procession.

Resolved unanimously, That the Speaker of this House be directed to employ some suitable person to accompany the remains of our deceased friend and fellow-member, to his late residence, as an additional token of regard for his private virtues and public services, and of the deep regret which the Representatives of the people feel on this melancholy occasion.

Resolved unanimously, That the Speaker of this House transmit a copy of these resolutions to the family of the deceased.

Resolved unanimously, That a committee of arrangements be appointed by the chair, whose duty it shall be to make the necessary preparations relative to said procession.

Whereupon, the Speaker announced the following gentlemen as said committee, viz:

Messrs. Davis of S., Logan and Simonson;

Who, after having retired for a few moments, returned and reported the following

ORDER OF ARRANGEMENTS:

For the funeral of the Hon. E. L. Dunbar, deceased, late a member of the House of Representatives from the county of Jackson.

The members and officers of the House of Representatives will meet at their Hall in the Capitol, at half past 9 o'clock, to-morrow, (Sunday) morning.

The members and officers of the Senate will meet in their Chamber at the same hour.

The Governor, Lieutenant-Governor, Judges of the Supreme Court, the officers of State, and Clergy of the city are respectfully invited to attend in the Hall of the House of Representatives at the above named hour.

ORDER OF PROCESSION.

1. The Reverend Clergy.
2. Pall bearers, [CORPSE.] pall bearers.
3. Mourners.
4. Governor.
5. Committee of Arrangements.
6. The House of Representatives, preceded by its Speaker and Principal Clerk.
7. The Senate, preceded by its President and Principal Secretary.
8. Judges of the Supreme Court.
9. Officers of State.
10. Citizens generally.

The procession will form at the Capitol precisely at ten o'clock, A. M., and proceed to the House of Dr. Bobbs, thence to accompany the corpse to the Capitol, where divine service will be performed by the Rev. Mr. Gurley. The procession will then move, in like order, to the limits of this city, where a conveyance will be in attendance to remove the corpse to Brownstown, the late residence of the deceased.

The Pall bearers will consist of

Messrs. BUTLER of Vanderburgh,
 LINGLE of Orange,
 WILSON of Harrison,
 HILLIS of Jefferson,
 ENGLISH of Scott,
 WHEELER of Marshall,
 BROWN of Marion,
 BRADLEY of Laporte.

The procession will be supervised by Mr. Leslie as Marshal;
Which report was concurred in, and the committee discharged.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolutions:

Resolved unanimously, That the Senate reciprocate the resolutions of the House of Representatives in relation to the loss sustained by that body in the death of the Hon. Ezekiel L. Dunbar:

Resolved unanimously, That the Senate entertain the highest respect for the memory of the Hon. Ezekiel L. Dunbar, and duly appreciate the loss sustained by his family and numerous friends:

Resolved unanimously, That as an evidence of respect for the virtues of the deceased, the members of the Senate will wear the usual badge of mourning during the remainder of the session:

Resolved, That a copy of these resolutions be transmitted to the family of the deceased:

Resolved, That the Secretary of the Senate transmit to the House of Representatives a copy of the foregoing resolutions:

Which was read, when on motion the House adjourned.

MONDAY MORNING, JAN. 2, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By Mr. Edmonson, the petition of Elizabeth Brown praying for a divorce from her husband John L Brown;

Which was referred to a select committee of Messrs. Edmonson, Whight and Edwards.

By Mr. Snook, the memorial of the trustees of the Wabash College;

Which was read and referred to the committee on education.

By Mr. Williams, the petition of Charles Smith and others, citizens of Madison county, on a certain subject therein named;

Which was referred to a select committee of Messrs. Williams, Davis of M. and Dunn.

By Mr. Robinson, the petition of William Wyatt and others, citi-

zens of the county of Carroll, relative to executions and valuation laws;

Which was read and referred to the judiciary committee.

By Mr. Jackson, the petition of Joseph Inks and others, of Elkhart, on a certain subject therein named;

Which was referred to the committee on revision.

By Mr. Brown of D., the memorial of Brown & Dumont, on a certain subject therein named;

Which was read and referred to the judiciary committee.

Mr. Wilson, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a bill of the Senate,

No. 28. Entitled a bill relative to the collection of delinquent taxes, together with the instructions of this House, have had the same under consideration, and have directed me to report, that to incorporate said instructions in the bill of the Senate would render it incoherent.

They have, therefore, instructed me to report the bill and instructions back to the House with a recommendation that the vote on the engrossment of said bill be reconsidered with a view to meet the necessary amendments as indicated by the sense of this House;

Which was read and concurred in; when,

Mr. Wilson moved to reconsider the vote taken on the engrossment of said bill;

Which was agreed to.

Mr. Wilson moved further to amend said bill by striking out of the 1st section the words, "and be subject to the same penalties as when in office;"

Which was concurred in;

When said bill was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Wilson, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a bill of this House,

No 98. Entitled a bill for the relief of certain owners of Wabash and Erie canal lands, have had the same under consideration, and have directed me to report the same back with one amendment:

Strike out from the enacting clause and insert the following:

Which was read,—the report concurred in—the bill reported back, and ordered to be engrossed for a third reading on to-morrow.

Mr. Rich, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to which was referred bill,

No. 118. A bill to define and regulate the duties of Notaries Public, and to impose a tax on protests, have had that subject under consideration, and have directed me to report, that ample provision being made in the revision of the laws on that subject, it demands no further legislation. Your committee would, therefore, ask to be discharged from its further consideration;

Which was read and concurred in.

Mr. Clements, from the committee on canals and internal improvements, reported the following bill:

No. 163. A bill to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Paoli to Mount Pleasant;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Clements, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the petition of Joseph H. Hendricks, in relation to his claims for work done as contractor on the Madison and Indianapolis railroad, have had the same under consideration, and directed me to report, that in their opinion, the claim held by the said Hendricks is just and equitable; the said Hendricks having in his possession a draft on the fund commissioners of Indiana for the sum of twenty-six thousand thirty-three dollars and eight cents, signed by Philip Mason, acting commissioner, and dated 29th March, 1841.

The draft aforesaid also shows, that up to its date there was due for interest on that amount, three hundred and ninety dollars and forty-nine cents; all of which, your committee believe, ought to be paid to the said Hendricks; and therefore present to the House the following joint resolution, and recommend its passage:

The undersigned, one of said committee, dissents from the above report.

JOHN HODGES.

No. 164. A joint resolution for the relief of Joseph H. Hendricks; Read a first time and passed to a second reading on to-morrow.

Mr. Carter, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred,

No. 103. A joint resolution for the relief of Alexander Beard, have had the same under consideration, and have made the following amendment, to wit:

Strike out all after the word "state" in the seventh line of said resolution and insert as follows:

In certificates in such sums as may be required by said board not less than fifty dollars each, and recommend its adoption;

Which amendment was concurred in—the bill read a second time, and ordered to be engrossed for a third reading.

Mr. Bradley, chairman of the committee on education, reported the following bill:

No. 165. A bill to provide for the payment of expenses incurred for the protection of the school fund;

Read a first and second times and engrossed for a third reading.

Mr. Matheny, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred bill of the House, No. 17. A bill to change the mode of doing county business in the county of Warrick, have, according to order, had that bill under consideration, and have directed me to report the same back to the House without amendment and recommend its passage;

Which was concurred in, the bill read a second time; when,

On motion of Mr. Edmonson,

The bill was amended by adding Dubois county.

Mr. Jackson, from a select committee, reported the following bill:

No. 166. A bill to authorize the commissioners of Elkhart county, to equalize the appraisement of real estate in said county;

Which was read a first time and passed to a second reading.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred the petition of sundry citizens of Miami county, concerning the law of forcible entry and detainer, requesting that the law may be so changed that forcible entry and detainer shall be considered a crime punishable by fine and imprisonment; and, also, bill of the House,

No. 61. Entitled a bill to repeal in part the act entitled an act applying certain funds to the purposes of education, approved January 31st, 1842, have had the same under their consideration, and have directed me to report, that both of the above propositions are fully provided for in the proposed revision of the laws;

Which was read and concurred in.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred the petition of sundry citizens of Delaware county, requesting the repeal of the law which requires a license to sell certain foreign groceries, except spirituous liquors, have had the same under consideration, and have directed me to report, that in the contemplated revision that law will be repealed so far as it relates to the articles of sugar, tea, and coffee, and that in the opinion of that committee, it would be inexpedient to repeal the law as to other foreign groceries;

Which was read and concurred in.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The select committee on the revision of the laws, to whom was referred a resolution requiring the judiciary committee to enquire into the expediency of amending the law so that in all judgments obtained upon open or running accounts of a sum not exceeding five dollars, the costs shall be taxed against the plaintiff, except when a demand has been made, have had that subject under consideration, and have directed me to report, that it is inexpedient to legislate upon that subject;

Which was read and concurred in.

Mr. Logan, from a select committee, reported back bill

No. 153. A bill for the relief of the purchasers of the saline lands in the county of Orange;

Which was read a second time — the amendments concurred in; when,

Mr. Sluss moved to amend said bill by adding the county of Brown;

Which was agreed to—the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Snook, from a select committee, reported the following bill:

No. 167. A bill to divorce Janet Mulloy from her husband James Mulloy;

Read a first time and passed to a second reading.

RESOLUTIONS.

On motion of Mr. Hargrove,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the present execution laws of this State, as to provide for the disposition of the property that may be taken by executors, administrators, guardians, and other public agents, as execution plaintiffs in satisfaction of the same; and, also, to enquire into the propriety of making it obligatory upon said public functionaries to take the property levied on by their respective

executions, according to the appraisement laws for the time being, when the same cannot be sold by the proper officer for the required amount, and report by bill or otherwise.

On motion of Mr. Davis of S.,

The House took from the table a resolution which was reported from the committee of ways and means, instructing said committee to report a bill making the State assessment twenty-five cents on every hundred dollars value of property.

Mr. Bradley withdrew his amendment.

Mr. Moore of O. moved to strike out the word "twenty-five" and insert "fifteen."

Mr. Tingley moved to recommit said report and resolution to the committee of ways and means with the following instructions:

1. To ascertain what deficit there will be in the Treasury at the end of the fiscal year, and what means can best be resorted to, to supply the deficit, and place the same before this House at as early day as practicable by report or bill.

2. To ascertain what amount of money will be necessary to meet the current expenditures of the next year; what means of the State over and above direct taxation can be relied upon to form a part of the current expenses of said year; and what amount of tax should in their opinion be assessed for the ensuing year on each \$100 worth of taxable property in this State, having in view that course of policy which will best tend to preserve the honor of the State, and avoid as far as practicable the oppression of the people, and report the result of their deliberations thereon to this House at as early a day as possible, accompanied by a bill carrying out said objects.

But before any action was had thereon the resolution, with the instructions, was, on motion of Mr. Brown of R., laid on the table.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Edwards moved to take up that portion of the revised laws which were on a third reading;

Which was not agreed to.

On motion of Mr. Leslie,

The previous orders of the day were suspended and bill,

No. 152. A bill to vacate Oak street and certain alleys in the town of Charlestown, in the county of Clark, was taken up—read a second time and ordered to be engrossed.

No. 155. An act to legalize the location of a road surveyed by W. G. Holman, in Miami county;

Read a second time and referred to the committee on roads.

No. 158. A bill to amend the act relative to the mode of doing township business in Miami county;

Read a second time and ordered to be engrossed.

No. 162. A bill to provide for an additional stay of execution in certain cases therein named;

Read a second time; when,

Mr. Cooley moved to strike out "ten" and insert "one."

Mr. Edmonson moved that the bill with amendment be referred to the select committee on relief.

And, on motion of Mr. Carter,

The bill with the pending amendments and motions was laid on the table.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole, on the subject of the revision, with Mr. Edmonson in the chair; and after having spent some time therein, the committee rose, and through their chairman, reported progress, and asked leave to sit again.

Mr. Robinson moved a call of the House, when the clerk proceeded to call the roll, and the absentees were Messrs. Bowers, Bradley, Foulke, Gilbert, Hillis, Lowe, Moore of F., Millikin, Nees and Shoup, all of whom were excused, except Messrs. Bowers, Foulke, Gilbert and Hillis; when,

On motion of Mr. Edwards,

The further call of the House was suspended.

No. 115. A joint resolution in relation to the late tariff law was then taken up; when the Speaker announced that the instructions as heretofore offered by Mr. Thompson to said joint resolution, and which the chair took time to consider upon, was out of order.

Mr. Butler of V. appealed from the decision of the chair. The question then put "shall the decision of the chair be the judgment of the House," and the ayes and noes having been demanded by Messrs. Butler of V. and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of D., Brown of M., Brown of R., Brown of W, Butler of R, Campbell, Carter, Chrisman, Clements, Coffin, Cooley, Davis of M, Denny, Dufour, Dunn, Edmonson, Edwards, English, Francis, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Johnson, Jones, Lewis, Leslie, Leyman, Lingle, Logan, Major, Matheny, Mathers, McCormick, Meeker, Moore of O., Myers, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Stratton, Summers, Sumner, Swihart, Williams and Wilson.—71.

Those who voted in the negative were,

Messrs. Butler of V., Claypool, Flannegan, Lee, Marvin, Mitchell, Tevis and Tingley.—8.

So the House refused to reverse the decision of the chair.

Mr. Tingley moved to lay the joint resolution on the table;

Which motion did not prevail.

Mr. Claypool moved to reconsider the vote taken on the third reading of the joint resolution, and the ayes and noes having been demanded by Messrs. Claypool and Tingley:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Rush, Butler of Vanderburgh, Claypool, Coffin, Denny, Edwards, Francis, Goodenow, Hawkins, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Parker, Patrick, Real, Rich, Shelby, Sluss, Steele, Stratton, Summers, Sumner, Tevis, Tingley and Wilson.—31.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, McCormick, Moore of Owen, Myers, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Simonson, Snook, Stewart, Swihart, Williams and Mr. Speaker.—47.

So said vote was not reconsidered.

Mr. Tingley moved to recommit the joint resolution, with the following instructions:

To vote for a tariff raising a sufficient amount of money to defray all the ordinary and extraordinary expenses of the General Government;

Which motion did not prevail.

The question then recurring upon the final passage of the joint resolution, and the ayes and noes having been demanded by Messrs. Edwards and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of R., Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, Matheny, McCormick, Moore of O., Myers, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Simonson, Sluss, Snook, Stewart, Swihart and Mr. Speaker.—48.

Those who voted in the negative were,

Messrs. Bales, Butler of Vanderburgh, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Francis, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Parker, Patrick, Real, Rich, Shelby, Steele, Stratton, Summers, Sumner, Tevis, Tingley, Williams and Wilson—35.

So said joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

No. 141. A bill in relation to school districts.

No. 142. An act regulating the rate of tolls on the Wabash and Erie canal.

No. 145. An act providing for the numbering, signing, and registering the Wabash and Erie canal scrip, east and west of the Tippecanoe river, and other purposes;

Then taken up, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

And, on motion,

The House adjourn'd until to-morrow morning 9 o'clock.

TUESDAY MORNING, JANUARY 3, 1843.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

The Senate recedes from its disagreement to the amendment of the House of Representatives to the 1st amendment of the Senate to the joint resolution of the House of Representatives, No. 51. in relation to the postage on newspapers, pamphlets, &c.

PETITIONS WERE PRESENTED.

By Mr. Foulk, the petition of Daniel L Downing and others, citizens of Wayne county, on a certain subject therein named, awarding bounties on cocoons and reeled silk;

Which was referred to the select committee to which a similar petition has been referred.

By Mr. Jones, the petition of George W. Amsdon and others, citizens of Bartholomew county, praying that the Columbus band may be incorporated;

Which was referred to a select committee of Messrs. Jones, Brown of M. and Rich.

By Mr. Marsh, the petition of Frederick C Story, of the county of DeKalb, praying for a divorce ;

Which was referred to a select committee of Messrs. Marsh, Mitchell and Matheny.

By Mr. Major, the petition of Edom Garner and others, of Clinton county, praying the location of a State road as therein named;

Which was referred to a select committee of Messrs. Major, Robinson and Carter.

By Mr. Sluss, the petition of Andrew Miller and others, of Monroe county, on the subject of the school fund;

Which was referred to the committee on revision.

By Mr. Gilbert, the petition of Elizabeth Aldridge, praying for a divorce from her husband Edmond Aldridge;

Which was referred to the judiciary committee.

By Mr. Thompson, the petition of Henry Johns, on a subject therein named;

Which was referred to the committee on canals and internal improvements.

Mr. Matheny, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House, on the subject of the duties of county auditor, have had that subject under consideration, and have directed me to report that the committee on revision have provided for said resolution and ask to be discharged from the further consideration of that subject;

Which was read and concurred in.

Mr. Leslie, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to which was referred bills of the House entitled as follows:

No. 37. A bill appointing commissioners to locate certain State roads therein named;

No. 149. To appoint commissioners to locate a State road in the counties of Fayette and Franklin ;

No. 92. To locate a State road in the county of Dubois;

No. 91. To provide for recording a State road in Sullivan and Vigo counties, have had the same under consideration, and have directed me to report the same back to the House without amendment.

No. 37. Mentioned in said report, was read a second time and ordered to be engrossed;

No. 91 and 92. Mentioned in said report, were read a second and third times, and passed.

Ordered, That the clerk inform the Senate thereof.

No. 149. Mentioned in said report, was read a second time and laid on the table.

Mr. Butler of R., a member of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred a resolution of this House enquiring into the expediency of so amending the law as to require all road taxes to be collected by the supervisors of roads instead of the county treasurers, have had the same under consideration and have directed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Carter, a member of the committee on canals and internal improvements, reported the following bill:

No. 168. A bill for the relief of Zera Sutherland;

Read a first time and passed to a second reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House No. 154, to incorporate the town of Portland, in the county of Jay, have had the same under consideration, and have directed me to report said bill back to the House without amendment and ask to be discharged from the further consideration thereof;

Which report was concurred in, the bill reported back and ordered to be engrossed for a third reading.

Mr. Gorman, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred a bill of the House, No. 131, a bill abolishing the office of county auditor, in certain counties, have had the same under consideration, and directed me to report the same back to the House without amendment, for the further action of the House;

Mr. Norvell moved to amend said bill by making it a general law throughout State;

But before any action was had thereon, the bill and pending amendment was, on motion of Mr. Claypool, laid on the table.

Mr. Johnson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of Daniel R Brown, and others, have had that subject under consideration, and believing that the road prayed for would be of public utility, they have directed me to report the following section and recommend that it be referred to the committee on roads, and be inserted in the general road bill:

Sec.—That Spencer Records and John R Anderson, of the county of Marion, and Abraham Williams of the county of Hamilton, be, and they are hereby appointed commissioners to view, mark, and locate a State road, commencing on the State road leading from Indianapolis to Pendleton, where the section line one mile west of the range line, dividing range four and five east, crosses the same, thence north on said section line till the same intersects the road leading from Indianapolis to Noblesville;

Which was read and concurred in.

Mr. Edmonson, from a select committee, reported the following bill:

No. 169. A bill to divorce Elizabeth Brown from her husband John D Brown;

Read a first time and passed to a second reading on to-morrow.

Mr. Robinson, from the committee on the revision of the laws, made the following report:

MR. SPEAKER:

The committee on the revision of the laws, herewith report to this House the following bill, to-wit: a bill entitled a bill of the funds, revenue, expenditure and property of the State, and the management thereof, and recommend its passage;

Which bill was read a first and second times, and committed to a committee of the whole House on to-morrow.

Mr. Thompson, from a select committee, reported bill,

No. 170. A bill relative to the Logansport and Fort Wayne State road;

Read a first and second times and referred to the committee on canals and internal improvements.

Mr. Carter, from a select committee, made the following report:

MR. SPEAKER:

The committee to which was referred bills Nos. 20, 25, 112, 10, and 114, have had the same under consideration and recommend the indefinite postponement of bills Nos. 10, 20, 25 and 112;

To bill No. 114, they recommend one amendment, to-wit: strike out the same from its enacting clause, and insert the following bill and recommend its passage;

No. 171. A bill to amend an act supplemental to an act, subjecting real and personal property to execution; approved Jan. 8, 1842;

Read a first and second times and laid on the table, and one hundred copies ordered to be printed.

On motion of Mr. Rose,

Mr. Carter was added to the select committee on the Michigan road bridge.

RESOLUTIONS OFFERED.

On motion of Mr. Robinson,

Resolved, That the Auditor of Public Accounts is hereby requested to inform this House what amount of canal land scrip, which has been made and is now receivable in payment for principal and interest due on canal lands, sold on account of the Wabash and Erie canal, east of the Tippecanoe river, has been issued on account of work or repairs done upon the said canal west of the said river.

On motion of Mr. O'Neal,

Resolved, That the Auditor of State be directed to lay before this House, with as little delay as possible, the names of all contractors on the Madison and Indianapolis rail road, who held on to their contracts, and refused to suspend operations, after the suspension of the system of internal improvement, and report the amounts paid to each, and by whom paid, whether by the Bond Company or by the Fund Commissioner, or any other person; and all other matters that may be deemed necessary to enable the Legislature to act with due regard to the interest of the State, as well as individuals.

On motion of Mr. Johnson,

Resolved, That the Treasurer of State be requested to report to this House the amount paid into the Treasury for water rents, on the Indianapolis division of the Central canal; as also the amount paid out for repairs, and the salary and pay of agents, and the name of such agents.

Mr. Wheeler offered for adoption the following resolution:

Resolved, That the committee on revision, be instructed to so amend the act relative to crime and punishment, as to make the offence of disinterring a corpse, punishable by imprisonment in the Penitentiary.

Mr. Edwards moved to amend, by adding in the second line, the words, "to inquire into the expediency of so amending," which was accepted by the mover, and said resolution, as amended, was adopted.

Mr. Dufour offered for adoption, the following preamble and resolution:

WHEREAS, it appears from the report of the State Bank, to the present General Assembly, that the State has invested in bank stock

412,450 dollars, created by the third instalment of the Surplus Revenue, and the advance by the Bank of the 4th instalment, and that the Bank holds State bonds to the amount of \$259,080 61, and Sinking Fund Treasury notes, to the amount of 634,711 dollars: Therefore,

Resolved, That the committee of ways and means be instructed to inquire, whether the interest of the State does not require some provision to be made, by the present General Assembly, to take up said Sinking Fund Treasury notes, by the State relinquishing to the Bank the 412,450 dollars Surplus Revenue Bank Stock, and, if in the opinion of the committee, the interest of the State, at the present crisis, requires such a course, that they report by bill or otherwise.

Mr. Simonson moved to strike out the committee of ways and means, and insert "the committee on the State Bank," which was agreed to.

On motion of Mr. Wilson,

Resolved, That the Secretary of State report to this House what number of copies of the revised code will be necessary for the wants of the State, together with any information he may have on that subject.

On motion of Mr. Mathers,

Resolved, That the committee on revision be instructed to incorporate a provision in the practice act, requiring defendants in actions of debt or assumpsit, who may have cross claims, to set off the same to the plaintiff's demand, or be barred the right to bring a separate [action] thereon.

Mr. McCormack offered for adoption, the following resolution:

Resolved, That the Enrolling Clerk of this House be, and he is hereby authorized to employ assistants, if the same be necessary, to aid him in copying the revised laws, and in performing the duties devolving on him generally.

Mr. Edwards moved to amend said resolution, by adding that "he shall enroll so much thereof as the committee on revision may direct."

Which motion prevailed, and the resolution, as amended, was adopted.

Mr. Williams, from a select committee, reported the following bill:

No. 172. An act for the relief of Zimri Moon;

Read a first and second times, and ordered to be engrossed.

BILLS INTRODUCED.

By Mr. Claypool:

No. 173. A bill providing suitable punishment for defaulting public officers;

Read a first time, and passed to a second reading on to-morrow.

By Mr. Jones:

No. 174. An act providing for the opening and repairing roads and highways in the county of Bartholomew;

Read a first and second times,
When Mr. Roberts moved to amend, by adding Putnam county ;
which was agreed to.

Mr. Moore of Owen, moved to amend, by adding the county of Owen ; which was agreed to.

Mr. Denny moved to refer the bill, with amendments, to the committee on the revision.

Mr. Roberts moved to instruct the committee, to incorporate it [in] the revision, and make it a general law ;

Which motion did not prevail.

Mr. Moore of Owen, moved to amend the bill, so as, in cases of fines assessed, they shall be collected before a justice of the peace, instead of circuit court.

Mr. Edwards moved to refer the bill, with amendments, to the committee on roads.

Mr. Moore of Owen moved to refer the bill, with the pending amendments, to a select committee.

The question then recurring, upon Mr. Edward's motion, the bill with the pending amendments, was referred to the committee on roads.

By Mr. Rich :

No. 175. An act for the relief of Hiram Prather, collector of Jennings county ;

Read a first and second times, and referred to a select committee of Messrs. Rich, Goodenow, and Brown of M.

By Mr. Gorman :

No. 176. An act to change the name of Luther Thanas Giffing, to "Luther Thanas Martin ;"

Read a first time and passed to a second reading on to-morrow.

By Mr. Williams :

No. 177. A bill fixing the times of holding courts in the 11th judicial circuit ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Bales :

No. 187. A bill for the relief of the people of Vermillion county ;

Read a first and second times and ordered to be engrossed for a third reading.

By Mr. Mathers :

No. 179. A bill for the relief of Harmon Warrana of Hancock county ;

Read a first and second times and referred to the judiciary committee.

Mr. Bradley moved to take from the table bill,

No. 143. A bill districting the State into Congressional districts.

And, the ayes and noes having been demanded by Messrs. Bradley and Edmonson :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Coffin, Cooley, Davis of Madison, Denny, Dufour, Dunn, Edwards, Flannegan, Foulke, Fuller, Gorman, Hardin, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Leyman, Logan, Marvin, Matheny, McCormick, Mitchell, Moore of O., Nelson, O'Neal, Osborn, Patrick, Peak, Proctor, Real, Rich, Rose, Simonson, Sluss, Snook, Steele, Stewart, Strain, Sumner, Summers, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—60.

Those who voted in the negative were,

Messrs. Carter, Claypool, Clements, Cuppy, Edmonson, Goodenow, Hargrove, Hiatt, Hillis, Jackson, Lewis, Lingle, Major, Marsh, Mathers, Meeker, Montague, Myers, Prilliman, Roberts, Robinson, Shelby and Stratton.—23.

So said bill was taken from the table.

Mr. Edmonson moved to refer the bill to a select committee of one from each proposed Congressional district.

Mr. Bradley moved to commit the bill to a committee of the whole House, and make it the special order of the day now.

Mr. Roberts moved to commit the bill to a committee of the whole House on the twelfth of the present month.

And a division of the question having been called for, the question recurred upon the commitment of the bill, and the ayes and noes having been called for by Messrs. Bradley and Claypool:

Those who voted in the affirmative were,

Messrs. Brown of Rush, Brown of White, Butterfield, Carter, Claypool, Clements, Coffin, Cuppy, Edmonson, Foulke, Fuller, Goodenow, Hargrove, Hawkins, Hillis, Jackson, Lingle, Marvin, Matheny, Meeker, Montague, Moore of Owen, Myers, Parker, Prilliman, Proctor, Shelby, Sluss, Stratton and Sumner.—30.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Cooley, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Flannegan, Francis, Gorman, Hardin, Hiatt, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Logan, Major, Marsh, Mathers, McCormick, Mitchell, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Real, Rich, Roberts, Robinson, Rose,

Simonson, Steele, Stewart, Strain, Summers, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—60.

So said bill was not ordered to be committed.

Mr. Bradley moved to amend said bill by striking out of the sixth line the county of Union and insert in the place thereof the county of Rush.

And, the ayes and noes having been demanded by Messrs. Tingley and Bradley:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Marion, Brown of R., Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Coffin, Davis of M., Edwards, Flannegan, Foulke, Francis, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Johnson, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Williams, and Wilson.—46.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Butler of R., Campbell, Carter, Cooley, Cuppy, Davis of S, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, Matheny, McCormick, Moore of Owen, Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Simonson, Snook, Stewart, Swihart, Tevis, Wheeler and Mr. Speaker—44.

So said amendment was adopted.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am instructed to inform the House of Representatives that the Senate has passed without amendment a bill of the House of Representatives entitled,

No. 146. An act providing for the relocation of the seat of justice in the county of Crawford, and for other purposes.

And, on motion,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, JANUARY 4, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Simonson, the petition of Jesse St. Clair, and one hundred and eleven other citizens of the county of Clarke on the subject of writs of execution, and the collection of debts;

Which was referred to the judiciary committee.

By Mr. Moore of O., the petition of Sheperd Bivens and others, of Owen county, on a certain subject therein named;

Which was read and referred to a select committee of Messrs. Moore of O., Peak and Tevis, Nees and Logan.

By Mr. Myers, the petition of divers citizens of the counties of Knox, Daviess, Greene and Sullivan, praying for the formation of a new county;

Which was read and referred to a select committee of Messrs. Norvell, Gorman, Patrick, Hargrove and Nees.

By Moore of F., the petition of S P Town and others, of Floyd county, praying for the abolition of the office of county auditor;

Which was read and referred to a select committee of Messrs. Moore of F., Logan and Simonson.

By Mr. Swihart, the petition of William F. Barnett of Miami county, praying for the vacation of a part of the town of Perrysburgh;

Which was read and referred to a select committee of Messrs. Swihart, Prilliman and Dunn.

By Mr. Swihart, the petition of Wm. Davis and others, of the county of Miami, praying for the erection of a certain grave yard therein named;

Which was read and referred to a select committee of Messrs. Swihart, Prilliman and Dunn.

By Mr. Cuppy, the petition of divers citizens of the county of Kosciusko, praying for the extension of an act fixing a more uniform mode of doing township business;

Which was read and referred to a select committee of Messrs. Cuppy, Wheeler and Carter.

By Mr. Shoup, the petition of divers citizens of Franklin county, praying for a tax for the support of common schools;

Which was read and referred to the committee on education.

By Mr. Brown of White, the petition of Abraham Peck and others, of White county, praying for the construction of a towing path bridge at Pittsburgh, Carroll county;

Which was referred to the committee on canals and internal improvements.

By Mr. Robinson, the petition of George Merkle and others, citizens of Carroll county, praying that docket fees may be appropriated to the payment of the State debt;

Which was referred to the judiciary committee.

By Mr. Robinson, the petition of John Smith and others, citizens of Tippecanoe township, Carroll county, in relation to water power at the town of Pittsburgh;

Which was referred to the committee on canals and internal improvements.

By Mr. Logan, the petition of Henry C. Monroe and others, of the county of Washington, in relation to collectors and treasurers;

Which was read and referred to a select committee of Messrs. Logan, Moore of O., Peak and Tevis.

By Mr. Myers, the petition of Alfred Davis and others, citizens of the State, in relation to the New Albany and Vincennes turnpike road;

Which was referred to a select of Messrs. Myers, Peak, Clements, Lingle and Moore of F.

Mr. English from the committee on enrolled bills, made the following report, to wit:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the House of Representatives and find the same correctly enrolled, to wit:

No. 146. An act providing for the relocation of the seat of justice in the county of Crawford, and for other purposes.

REPORTS FROM STANDING COMMITTEES.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House requiring said committee to enquire into the expediency of reporting a bill permanently fixing the times of holding courts in the different judicial circuits, have had the same under consideration and have directed me to report it impracticable and inexpedient to pass an act of the kind referred to in said resolution, and ask to be discharged from the further consideration of the subject;

Which was read and concurred in.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House requiring said committee to enquire into the expediency of making it a penal offence for any person to sell barrel salt by the

barrel at lick weight, unless the purchaser elect to take it in that manner, have had the same under consideration, and have directed me to report legislation on that subject to be inexpedient and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred resolution of this House, instructing said committee to "inquire whether the word 'fines,' in the 3d section of the 9th article of the Constitution of the State of Indiana, does extend to, and include forfeitures on recognisance bonds in criminal cases, and report their conclusions to this House," have instructed me to report, that they have had the same under consideration, and, after having given the subject a careful investigation, have come to the conclusion, that under that clause of the Constitution, (referred to in said resolution,) directing all fines assessed for any breach of the penal laws to be applied to the support of county seminaries, is embraced all forfeitures growing out of the prosecution of offences committed in violation of the criminal laws.

Your committee have been led to this conclusion, not only from the definition of the word "forfeiture," as defined by the best lexicographers of the present day, but also from the uninterrupted train of decisions of the circuit courts, as well as the Supreme Court of this State, upon that branch of our criminal law, recognizing and supporting the view which your committee have taken of the subject, to be the true construction of that part of the Constitution.

Your committee are further of opinion, that any other construction than the one above given, would be a violation, not only of the definition of the term "forfeiture," but also of the spirit and meaning of the Constitution; and would divert from its proper and legitimate channel a large portion of the means intended by the framers of the Constitution, for the support of county seminaries.

In conclusion, your committee respectfully ask to be discharged from the further consideration of the subject.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred the petition of Francis Johnson, and other citizens of Wells county, praying the passage of a law to abolish capital punishment, have had that subject under consideration, and have directed me to report, it is inexpedient to legislate on that subject.

Which was read and concurred in.

Mr. Brown of Marion, chairman of the committee on the judiciary, made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred bill of the House, No. 158, a bill in relation to suits against Miami Indians, have had that subject under consideration, and have directed me to report the same back to the House and recommend its passage.

Which was read ; when

Mr. Brown of Marion moved to amend the bill, by adding the words, "and The Marion Democratic Herald," after the Peru Gazette ;

Which was agreed to,

And the bill ordered to be engrossed for a third reading.

Mr. Brown of Marion, chairman of the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary, to which was referred a resolution of this House, instructing your committee to inquire into the expediency of providing by law for the election of all officers by the Legislature, by joint *viva voce* vote, in the place of the present system of joint ballot, have had that subject under consideration, and have directed me to report, that a provision has been inserted in the revision providing for the election of all officers created by statute, who are elected by the General Assembly, to be by joint *viva voce* vote. Your committee are unanimously of the opinion, that they cannot make the change in cases of the election of officers, created by the Constitution ; they therefore ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Hillis, chairman of the affairs of the town of Indianapolis, made the following report :

MR. SPEAKER :

The committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of providing by law, for the sale of the Governor's Circle, &c., have had that subject under their consideration, and have instructed me to report, that it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The standing committee on canals and internal improvements to whom was referred the petitions of sundry citizens residing at and below Brookville, on and near the line of the finished portion of the White Water canal, praying that said portion of said canal may be taken back from the company created at the last session of the General Assembly, for the purpose of completing said canal to the National road, having had that subject under consideration, now

REPORT,

That taking the facts of the case to be stated by the petitioners, the committee see no sufficient cause to grant their prayer, even though there were no other obstacles in the way, and it was competent for this General Assembly to do so. The petitioners ask that their prayer may be granted, not because of any injury done by said company to any body or to the State, nor because of the impolicy of any right, privilege or immunity granted said company by the Legislature, but because the first five dollars on each share of stock taken under the charter of said company, was paid, not in money, but in notes of hand and lands; this the petitioners say is a departure from the requisitions of the charter. The committee see nothing exceptionable in the act complained of, even upon a strict construction of the charter, when taken as a whole. The petitioners refer to the 14th section of the charter to sustain their positions. The clause referred to reads thus: Five dollars on each share subscribed, shall be paid to the commissioners before the election of the first board of directors. It will be seen that it is the *time* and not the *manner* of making this first payment, that is here specially provided for. And the latter clause of the section immediately preceding the one referred to, leaves the *way* and *manner* of paying for the stock to be prescribed by the company. The presumption is, of course, then, that the *way* and *manner* named by the petitioners, is the one that was prescribed by the company. And the 19th section of the charter again speaking of payment of stock, expressly provides that it may be done "*in such way, and in such funds, services, obligations, or articles of value,*" as it may be deemed expedient to require. The general language used in the 13th section is sufficient to cover the case complained of, but that of the 19th is definite and express to the point. The petitioners say the payment was in notes of hand and lands; these may be certainly called in the language of the charter, *funds, obligations, and articles of value*. It is understood to be a well established principle in law, that a note of hand, when tendered and received in payment of a debt, is a good payment. Had this payment been made in State scrip or bank notes the petitioners would doubtless have called it good.

And the committee do not see why notes of hand, drawn upon responsible business men, farmers and mechanics, together with real estate, should not be deemed equally as good, especially when the char-

ter does not designate the kind of funds that shall be required for any one payment; but on the contrary, expressly leaves the way and manner of paying for stock to be prescribed by the company, and in terms says that the company may take for stock any kind of "funds, services, obligations, or articles of value." The committee therefore see nothing in this proceeding, as detailed by the petitioners, which does not comport not only with the spirit but the letter of the charter.

The two resolutions in this behalf, referred to the committee, they have likewise had under consideration and further report: That the exposition given above is by the committee deemed sufficient as to the matter of said first resolution, which is in reference to payments made on account of the stock of said company. And as to the second of said resolutions, which suggests the expediency of an inquiry in reference to the right of said company to issue certain certificates of stock, the committee deem it sufficient to say that the 21st section of the charter gives the company full power to issue such certificates of stock as they may deem expedient, and, also, to make them transferable according to the rules and by-laws of the company. The committee would farther observe, that they deem it inexpedient to base any legislative action upon mere rumors and suspicions of erroneous action by a company instituted for the valuable and patriotic purposes that this canal company was; more especially when there is no charge of private or public injury having been done. There is a legal way of reaching all malfeasances of such companies which may have worked any injury, and of fully rectifying after both the injured and the transgressor have been heard. Construction of the statutes, made by the Legislature, constitutionally belong to the judiciary—to the courts. Therefore would the committee leave that matter when a proper case is made.

Before dismissing this subject the committee would further remark, that the surrender by the State of the finished portion of this canal to a company for a limited period, was the consideration the State gave to induce the investment of private capital for the completion of this work, which was a tax upon the State; and much of which in its unfinished condition was fast going to destruction, without which surrender the stock would not have been taken. Nor can the canal be completed; after some delay and much exertion, the committee are informed that the requisite amount of stock has been taken under the charter to complete the canal north from Brookville, its present termination, to the National road; that this has been taken generally in, in small sums and almost exclusively by some fourteen or fifteen hundred responsible citizens of our own State, residing in the vicinity of the unfinished portion of the work; that the company has been regularly and fully organized, and upon affidavit of that fact filed in the office of the Secretary of State by the President of the company, the Governor did in August last, make proclamation of the transfer of the finished portion of the canal to the company, agreeably to the charter. That the company have been for some months, and are now vigorously prosecuting the work; and have already expended and had

work done to the amount of near \$50,000, and that the prospect is auspicious for the speedy completion of the work, if no obstacles be interposed by local interests and jealousies.

The committee, therefore, are of the opinion that if the State was prepared to refund to the company, as she would be bound to do, the large amount by them already expended, it would be a mistaken policy to grant the prayer of the petitioners, and thus arrest a great enterprise; and, so, they ask to be discharged from the further consideration of this matter.

Which was read and concurred in.

The Speaker laid before the House the report of James Blair, the commissioner of the Wabash and Erie Canal west of the Tippecanoe river; which was,

On motion of Mr. Lowe,

Laid on the table, and one hundred copies thereof ordered to be printed.

Mr. Moore of Owen, from the committee on public expenditures, made the following report:

MR. SPEAKER:

The committee on public expenditures, to whom was referred a resolution of this House, on the subject of members absenting themselves from the service of this House without leave, have had that subject under consideration, and have directed me to report the following bill:

No 180. An act to regulate the pay of members of the General Assembly;

Read a first time, and passed to a second reading on to-morrow.

Mr. Brown of Dearborn, Chairman of the committee on the State Bank, made the following report:

MR. SPEAKER:

The committee on the State Bank, having had under consideration the resolution instructing them to enquire into the expediency of so amending the Charter of the State Bank, as to provide for a distribution of loans by each of the branches among the counties in which it may be located, in the ratio in which the taxable property in each of these counties may bear to the taxable property in the whole; and, also, to provide for transferring the determination of the solvency of borrowers of the bank, and of their endorsers, from the directors to the commissioners of the several counties; report,

That their deliberations have not brought them to the conclusion that any public benefit can be derived from the alteration proposed, nor do they find the least reason to suppose the State Bank or branches will assent to such alteration. The committee, therefore, cannot recommend legislative action upon the subject; and ask to be discharged from the further consideration of it.

Which was read and concurred in.

Mr. Brown of Dearborn, chairman of the committee on the State Bank, made the following report:

MR. SPEAKER:

The committee on the State Bank has paid attention to the resolution proposing such an amendment to the bank charter as shall make the stockholders individually liable for the debts of the institution, and report, That the committee has no ground for belief that the proposed alteration of the charter would be acceptable to the State Bank, to its Branches nor to the stockholders; and believing that it would be useless for the legislature to undertake that amendment at this session, ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred bill No. 110, of the House, entitled, a bill relating to voting in Laporte county; and also bill of the House No. 151 entitled, a bill for the relief of John Brookbank, have had the same under consideration, and have directed me to report them back to the House and recommend their passage; and ask to be discharged from the further consideration of the said bills.

Said bills in said report mentioned, were reported back, and ordered to be engrossed for a third reading on to-morrow.

Mr. Wilson, from the committee of revision, made the following report:

MR. SPEAKER:

The committee of revision, to which was referred a bill of this House, No. 108. Entitled a bill for reducing the expenses of Putnam county and for selecting petit jurors therein, together with the instructions of the House requiring said committee to report a general law on that subject embracing the provisions of said bill, have performed that duty, and now report a bill,

No. 108. To reduce the expenses of the several counties in this State and for selecting petit jurors therein.

Said bill was read a third time; when,

Mr. Rich moved to recommit said bill with instructions, to except the county of Jennings, to the committee on revision.

My Shoup moved to lay the bill, with the pending instructions on the table;

And, the ayes and noes having been demanded by Messrs. Sluss and Meeker:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butterfield, Carter, Chrisman, Claypool, Cooley, Cuppy, Denny, Dufour, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hardin, Hawkins, Hillis, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Lowe, Marsh, Mathers, Meeker, Mitchell, Montague, Myers, Nees, Nelson, Parker, Rich, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stratton, Summers, Swihart, Tingley, Wheeler, Wilson and Mr. Speaker.—48.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White. Butler of Randolph, Butler of Vanderburgh, Campbell, Clements, Coffin, Davis of Madison, Davis of Sullivan, Dunn, Edmonson, English, Fuller, Gorman, Hargrove, Hiatt, Hodges, Huckaby, Jones, Leyman, Logan, Marvin, McCormick, Moore of F., Moore of O., Norvell, O'Neal, Osborn, Patrick, Peak, Proctor, Real, Roberts, Shelby, Sluss, Stewart, Strain, Sumner, Tevis, Thompson and Williams.—43.

So said bill was laid on the table.

BILLS INTRODUCED.

By Mr. Huckaby:

No. 181. A bill relative to the Perry county seminary;
Read a first time and passed to a second reading on to-morrow.

By Mr. Meeker:

No. 182. A bill to make bank scrip receivable for Wabash and Erie canal lands east of Tippecanoe river;

Read a first time and passed to a second reading on to-morrow.

By Mr. Shelby:

No. 183. An act for the regulation of the grave yard at Lafayette;
Read a first and second times and ordered to be engrossed.

ORDERS OF THE DAY.

The first thing in the orders of the day was bill,

No. 153. A bill districting the State into Congressional districts.

Mr. Bradley moved to amend said bill by striking out of the sixth line the county of Rush and insert the county of Union.

And, the ayes and noes having been demanded by Messrs. Thompson and Bradley:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Rush, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, and Wilson—42.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, Matheny, McCormick, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker.—49.

So said motion [did not] prevail.

Mr. Myers moved to reconsider the vote taken on yesterday on Mr. Bradley's motion to strike out Union and insert Rush;"

And, the ayes and noes having been demanded by Messrs. Bradley and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, Matheny, McCormick, Moore of F., Moore of Owen, Myers, Nees, Nelson, O'Neal, Norvell, Osborn, Peak, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—48.

So said vote was not reconsidered.

Mr. Parker moved to amend the bill as follows:

Amend in the eighth line by striking out the counties of Wayne and Fayette and insert in their stead the counties of Decatur, Shelby and Hancock.

And, the ayes and noes having been demanded by Messrs. Gorman and Brown of R:

Those who voted in the affirmative were,

Messrs. Butler of Vanderburgh, Carter, Davis of Madison, Francis, Fuller, Goodenow, Jackson, Logan, Marsh, Matheny, Norvell, O'Neal, Osborn, Parker, Rich, Summers and Williams—17.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Lowe, Major, Mathers, McCormick, Meeker, Mitchell, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Patrick, Peak, Proctor, Real, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Sumner, Swihart, Thompson, Tingley, Wheeler and Wilson—71.

So said amendment was not adopted.

Mr. Jackson moved to amend said bill by striking out from the enacting clause.

Mr. Rich moved to reconsider the vote taken to-day, on striking out "Rush county" and inserting "Union county" in the place thereof.

And the ayes and noes having been demanded by Messrs. Rich and Shoup ;

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams and Wilson—47.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Campbell, Carter, Cooley, Cuppy, Davis of Sullivan, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, Matheny, McCormick, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Proctor, Real, Rose, Shoup, Simonson, Snook, Stewart, Wheeler and Mr. Speaker—46.

So said vote was reconsidered.

Mr. Myers moved that the House adjourn until 2 o'clock, P. M.

And the ayes and noes having been demanded by Messrs. Bradley and Rich;

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Carter, Cooley, Davis of Madison, Denny, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jones, Lee, Leyman, Lingle, Marsh, Matheny, McCormick, Moore of Floyd, Moore of Owen, Myers, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Shoup, Stewart and Wheeler—30.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Sullivan, Dufour, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Leslie, Lewis, Logan, Lowe, Major, Marvin, Mathers, Mecker, Mitchell, Montague, Nelson, Parker, Patrick, Real, Rich, Roberts, Robinson, Rose, Shelby, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Williams, Wilson and Mr. Speaker—64.

So said motion did not prevail.

Mr. Simonson moved that the House adjourn until 2 o'clock, P. M.

And the ayes and noes having been demanded by Messrs. Lowe and Shoup;

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Brown of White, Campbell, Carter, Cooley, Davis of Madison, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gorman, Hardin, Hargrove, Hiatt, Jackson, Johnson, Jones, Lee, Lewis, Leyman, Lingle, Logan, Marvin, Matheny, McCormick, Moore of Floyd, Moore of Owen,

Myers, Nees, Norvell, Osborn, Peak, Proctor, Roberts, Rose, Shoup, Simonson, Stewart, Sumner, Swihart, Tevis, Wheeler and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Foulke, Gilbert, Goodenow, Hawkins, Hodges, Hillis, Huckaby, Leslie, Lowe, Major, Mathers, Meeker, Montague, Nelson, O'Neal, Parker, Patrick, Real, Rich, Robinson, Shelby, Sluss, Snook, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams and Wilson—46.

So said motion prevailed; and

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Robinson moved to suspend the previous order of business, in order to proceed with bill No. 153. A bill to district the State into Congressional districts;

Which motion was lost.

Mr. Robinson moved a call of the House;

When the clerk proceeded to call the roll, and it appeared that the absentees were Messrs. Bales, Bowers, Brown of Marion, Gorman, Moore of Floyd, and Millikin, to whom leave of absence was granted;

And on Mr. Robinson's motion, the further call of the House was suspended.

Mr. Robinson moved to take up bill No. 153. A bill to district the State into congressional districts;

Which was not agreed to.

And on motion of Mr. Edwards,

The House resolved itself into a committee of the whole, on the subject of the revision, with Mr. Edwards in the chair, and after having spent some time therein, the committee rose, and through its chairman reported that so much of the revision as relatess to the school fund should be reported back to the House, and referred to the committee on education; also, that the committee had made some progress in the balance and ask leave to sit again;

Which was concurred in;

And on motion,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, JAN. 5, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By Mr. Marvin, the petition of David Matlock, of Hendricks county, late commissioner of the three per cent. fund, praying the passage of a law, authorizing the board of Commissioners of said county, to refund to him, moneys paid by him, over and above what he should of right have paid ;

Which was read, and referred to a select committee of Messrs. Marvin, Denny and Brown of Marion.

By Mr. Myers, the petition of divers citizens, of the counties of Knox, Daviess, Marvin, Orange, Harrison and Floyd, on the subject of the New Albany and Vincennes turnpike road ;

Which was referred to a select committee of Messrs. Myers, Peak, Clements, Lingle and Moore of Floyd.

By Mr. Rich, the petition of George W. Branham & Co., praying for an allowance for work done and performed on the Madison and Indianapolis railroad ;

Which was referred to the committee on canals and internal improvements.

Mr. Brown of Marion presented the claims of Peck & Willard, and Jacob Foltz for goods and services rendered to the Hon. E. L. Dunbar, deceased, late a member of the General Assembly of this State ;

Which was referred to the committee on claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Williams, a member of the committee of ways and means, made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred a joint resolution giving individuals an opportunity to deposit money with the Treasurer of State for the Revised Code, have had the same under consideration, and have instructed me to report further legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof ;

Which was read and concurred in.

Mr. Davis of Madison, a member of the judiciary committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House instructing said committee to prohibit by penal enactments the exercise of the business of brokerage in certain cases, have had the same under consideration, and have directed me to report legislation upon that subject inexpedient, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Davis of Madison, a member of the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House requesting said committee to enquire into the propriety of reporting a bill to this House restricting justices of the peace to their respective townships in all civil cases, have instructed me to report, that the committee on the revision have made it a general law, confining justices of the peace in all civil cases to their respective townships. Your committee ask to be discharged from the further consideration of that subject;

Which was read and concurred in.

Mr. Davis of Madison, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House instructing said committee to enquire into the expediency of making certain amendments in the execution law, have directed me to report that those amendments have been made in the law by the committee on the revision, and ask to be discharged from the further consideration of the subject.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary, viz:

MR. SPEAKER:

The Senate has concurred in the amendment made by the House of Representatives to the engrossed bill of the Senate entitled,

No. 28. An act relative to the collection of delinquent taxes;

Which was taken up and read.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

The Senate has passed, with one amendment, a bill of the House of Representatives entitled as follows, viz:

No. 177. An act fixing the times of holding courts in the 11th judicial circuit;

In which amendment the concurrence of the House of Representatives is respectfully requested;

Which was taken up, the amendment concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Bradley, chairman of the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred the memorial of the trustees of the Wabash College, have had the same under consideration, and have directed to report, that it appears that said Institution was established at Crawfordsville in 1833, and chartered by the Legislature in 1834: That when the college buildings were nearly finished in 1838, they were consumed by fire, with the Library and Philosophical apparatus, occasioning a loss of about \$15,000: That by the contributions of private individuals, and a loan of \$8,000, obtained from the Sinking Fund, the college buildings have been rebuilt, a Library of 2000 volumes, and a Philosophical apparatus has been again procured: That the Institution is now in successful operation, with a President and three Professors, faithful and capable men: That it has had under its care 350 students, sixteen of whom have been graduated, and more than 50 employed as common school teachers: That the number of students for the present year is 69: That its high character and prospects for usefulness, are duly estimated by the public, who have at different times contributed about \$50,000 for its establishment: That it is in debt \$8,000, as aforesaid, to the Sinking Fund, and \$6,000 for other purposes: That besides the property mortgaged to the State for the loan, the institution has 275 acres of land, and subscriptions to about \$12,000, which, owing to the embarrassed condition of the times, are in a great measure unavailable; and that unless some relief can be granted, the usefulness of the institution must be severely impaired, if not totally destroyed.

Your committee find that \$2,160 has already been paid by the college into the Sinking fund, for the interest on the loan, from May 1839 to May 1842, and as the profits of the Bank and Sinking Fund, are ultimately to be applied to the purposes of education, a majority of your committee conceive that nothing better for that important object can be done, than to remit the interest on the said loan, from the 7th of May 1842, to the 31st December 1846, as is provided in the accompanying joint resolution, which is herewith reported:

No. 184. A joint resolution for the benefit of the Wabash Manual Labor College and Teachers Seminary;

Read a first time and passed to a second reading on to-morrow.

Mr. Hardin, from the minority of the committee on education, made the following report:

MR. SPEAKER:

The undersigned, a minority of the committee on education, to which was referred the petition of the trustees of the Wabash college, dissents from the report of the majority for the following, among many other reasons, which might be adduced. The report of the majority recommends a remission of the interest for five years on \$8,000, borrowed out of the sinking fund by the Wabash college. The undersigned appreciate this institution of learning and sympathize with its patrons in its embarrassments; but they are aware that by granting the relief asked, a similar interest, not, however, limited to a single county town, but general throughout the State, must consequently suffer. In the opinion of the minority, the subject of common schools, because more extended, and embracing as they do, not only the children of the rich, but especially of the poor, is infinitely more momentous than the establishment of a college, in which few, save the children of the rich and the great, find admittance. This institution, because of her embarrassments, and the laudable business in which she is engaged, asks to be released from the payment of her debts. But before granting relief, let us give a few reasons for withholding it. Our bank charter creates a sinking fund, and provides that the principal and interest of said sinking fund shall be reserved, and set apart for the purpose of liquidating and paying off the loan or loans, and the interest thereon and incidental expenses, of money borrowed for the bank; and *after* the payment of said loans, the interest and expenses, the *residue* of said fund shall be a permanent fund and appropriated to purposes of *common* school education.

Here it is evident that the very interest, from the payment of which the institution asks to be released, is already appropriated, or the only object to which it can be appropriated, is clearly designated. 1st, to the liquidation and payment, and consequent expenses of the bank loan. 2d, The residue, if any, to the purposes of *common* school education, not to colleges or any other grade of schools. Grant this relief and you virtually repeal the bank charter, which the Legislature cannot do without the consent of the State and all the branch banks. Grant this relief and you establish a precedent by which every other institution in the State, under similar circumstances, will consider itself entitled to, and claim similar favors. Grant this relief, and not only *institutions of learning* but *individuals*, under similar circumstances, will claim similar favors.

Thus may the Legislature, by granting every specious application

for relief, exhaust the sinking fund, leaving unpaid the bank loans and the interests of common school education to wither and droop.

FRANKLIN HARDIN,
HENRY LINGLE,
R. G. NORVELL.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the memorial of the Madison and Indianapolis railroad company, and the communication of His Excellency, the Governor, on the subject of delivering over to the said company the finished portion of that work immediately, have had that subject under consideration and directed me to report, that the sooner said company gets possession of it, the better it will be for the State. The personal interest of the company will insure a more circumspect and economical management of the road. To the end, therefore, I am directed to report the following bill:

No. 185. A bill to amend an act to provide for the continuance of all or any part of the public works of this State, by private companies and to abolish the board of internal improvements, and the offices of fund commissioner and chief engineer, approved January 28, 1842;

Which was read a first and second times, and, on motion of Mr. Brown of Marion, laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Foulke, from a select committee, reported the following bill:

No. 186. A bill to locate a State road in the county of Wayne;

Which was read a first and second times and ordered to be engrossed.

Mr. Gorman, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred a bill of the Senate entitled, an act to provide for the summoning and empannelling in the counties of Delaware and Grant, have had the same under consideration and directed me to amend the same, according to the order of the House, by inserting the counties of Scott, Franklin, Floyd and Union, and recommend its passage.

Bill No. 19, of the Senate, was reported back and ordered to be engrossed.

Mr. Rich, from the select committee on that subject, made the following report:

MR. SPEAKER:

The select committee, to whom was referred,

No. 175. A bill for the relief of Hiram Prather, collector of Jennings county, have had that subject under consideration and have directed me to report it back to this House, without amendment, and recommend its passage.

Said bill, No. 175, was reported back and engrossed for a third reading.

RESOLUTIONS OFFERED.

On motion of Mr. Meeker,

Resolved, That this House will, (the Senate concurring therein,) go into the election for bank directors on Saturday the 7th inst., at 10 o'clock on said day, to fill vacancies occasioned by resignation and otherwise.

Mr. Stratton offered for adoption the following preamble and resolution:

WHEREAS, by a report made to this House by the Auditor of Public Accounts, on the 16th day of Dec. 1842, in answer to a resolution on the subject, it appears that William J. Brown, late State Librarian, and now a member of this House, from the county of Marion, is a defaulter to the State of Indiana, in the sum of one hundred and seventy dollars and fifty one cents, as such State Librarian, and which is corroborated by his several reports to the Legislature, as such State Librarian; and, also, by his certificate accompanying said Auditors report; also, by a report in the same case, made by the committee on the State Library, on the 25th day of January, 1842. See House Journal of 1841-2, page 571 to 576, both inclusive; and,

Whereas, the same case was again referred to the committee on the State Library, on the said 16th day of December, 1842, and has laid in their hands up to this time, without any report to this House, that they have investigated the subject, or even intend to do so; and,

Whereas, the 26th section of the 3d article of the Constitution of the State of Indiana, reads as follows, to-wit:

Sec. 26. No person who hereafter may be a collector or holder of public money, shall have a seat in either House of the General Assembly, until such person shall have accounted for, and paid into the treasury all sums for which he may be accountable; therefore,

Resolved, That the said William J. Brown is disqualified to serve as a member in this House, and his seat as such member, is hereby vacated until his disability be removed by the production of the necessary vouchers from the Treasurer of State, showing that he has fully discharged his said liability to the State.

Mr. Tingley asked leave to be excused from voting or acting in any wise upon said subject; which was granted.

Mr. Robinson moved to reject said preamble and resolution;

Which was by the Speaker, decided to be out of order.

Mr. Henley moved, (Mr. Lowe in the chair) to refer said preamble and resolution to the committee on the State Library;

Mr. Rich moved to amend the same by striking out the preamble and resolution, and insert that the committee on the State Library be instructed to make a report of their proceedings in the matter of the reputed defalcation of the Hon. W. J. Brown, a member of this House, heretofore referred to their keeping, on to-morrow;

Mr. Nees moved to amend the amendment by striking out the word "to-morrow," and inserting "Saturday;"

Which amendment was accepted by the mover.

Mr. Butler of V., moved to lay the whole subject matter on the table;

Which motion did not prevail.

Mr. English moved to strike out of the resolution as amended, the word Saturday;

Which motion prevailed.

Mr. Bradley moved to refer the preamble and resolution to a select committee;

The question then recurring upon Mr. Henley's motion to refer to the committee on the State Library;

And the ayes and noes having been demanded by Messrs. Moore of O., and Tevis;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Hardin, Hodges, Johnson, Jones, Lewis, Leyman, Lingle, Lowe, Major, Moore of F., Moore of Owen, Nees, Nelson, O'Neal, Osborn, Proctor, Rose, Shoup, Simonson, Sluss, Swihart, Wheeler, Williams and Mr. Speaker.—41.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hiatt, Huckaby, Jackson, Lee, Leslie, Logan, Marsh, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Norvell, Parker, Patrick, Peak, Prilliman, Real, Rich, Roberts, Robinson, Shelby, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Tevis, Thompson and Wilson.—49.

So said preamble and resolution was not so referred.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Thompson,

The House took up the business under consideration, when it adjourned;

When Mr. Robinson moved to reconsider the vote taken on referring the same to the committee on the State Library.

Mr. Bradley thereupon presented the following communication from Mr. B. F. Reeve, chairman of the committee on the State Library, on the part of the Senate:

MR. SPEAKER:

As much misapprehension seems to prevail in the House in relation to the conduct of the joint committee on the State Library, in reference to the accounts of Wm. J. Brown, I deem it my duty, as chairman of said committee, to lay before the House a brief statement of the facts in the case. As soon as I was informed of the reference, I notified the committee, together with Brown, to meet that evening. (Friday, December 23.) The committee met. Mr. Brown asked a little time to prepare a written statement. The committee granted it, and adjourned to meet Tuesday evening following. I attended with one or two others; not being a quorum, nothing was done. We adjourned to meet the next evening. All present the next evening, except Mr. Wheeler and Mr. Mitchell. I know not why Mr. Wheeler did not attend. Mr. Mitchell, I believe, was sick. Mr. Brown was present at this meeting, and remarked that this was a matter of great importance to him, and although there was a majority present, he wished to have a full committee. The committee, therefore, adjourned to meet on Thursday evening. On Thursday, I left for home, and did not return until Monday last. Finding that nothing had been done in my absence, I notified the committee to meet on Tuesday evening, when all met except Mr. Nees. Mr. Brown was present and made his statements and introduced his witnesses, and the committee, after investigation, agreed to report, and the papers were placed in my hands for that purpose. I wrote a report that night and showed it to some of the committee next morning; but they not agreeing to it, I gave the papers to Mr. Wheeler to make such a report as would suit the majority of the committee. I also wrote a report for myself and placed it this morning in the hands of a member of this House. This was all I could do. And I feel conscious that I am not culpable for any seeming procrastination in reference to this matter; nor do believe that any member of that committee has in any way wilfully retarded the progress of the investigation.

Respectfully submitted,

BENJAMIN F. REEVE.

Jan. 5th, 1843.

Mr. Wheeler, chairman of the committee on the State Library, on the part of the House, presented the following communication:

MR. SPEAKER:

As much misapprehension may be engendered by the communication of Benjamin F. Reeve of the joint committee on the State Library on the part of the Senate, I deem it my duty to state to the House that a report would have been made, on the communication from the Auditor of State, if the said Reeve had redeemed his pledge made to the joint committee at its last meeting.

Mr. Reeve did then agree that Mr. Brown was not a defaulter, but that the State of Indiana was indebted to said Brown in the sum of ONE DOLLAR AND TWENTY-NINE CENTS, and that he, the said Reeve, as chairman of said joint committee, would report accordingly.

Respectfully submitted,

A. L. WHEELER,

Chairman of House Committee on State Library.

Mr. Butler moved to lay the preamble and resolution on the table, and the ayes and noes having been demanded by Messrs. Bradley and Matheny:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of D., Brown of W., Butler of R., Butler of V., Campbell, Carter, Chrisman, Clements, Cooley, Davis of M., Davis of S., Dufour, Dunn, Edmonson, Edwards, English, Foulke, Gilbert, Goodenow, Hardin, Hargrove, Hillis, Hodges, Jackson, Johnson, Jones, Leslie, Lewis, Leyman, Logan, Lowe, Major, Marsh, Mathers, Meeker, Montague, Nees, O'Neal, Patrick, Prilliman, Proctor, Real, Rose, Shelby, Sluss, Steele, Stewart, Stratton, Swihart, Tevis, Wilson and Mr. Speaker.—55.

Those who voted in the negative were,

Messrs. Bradley, Butterfield, Claypool, Coffin, Flannegan, Francis, Fuller, Gorman, Hawkins, Hiatt, Huckaby, Jones, Lingle, Marvin, Matheny, Mitchell, Moore of F., Moore of O., Nelson, Norvell, Osborn, Parker, Peak, Rich, Roberts, Robinson, Simonson, Snook, Strain, Summers, Sumner, Thompson, Wheeler and Williams.—34.

So said resolution, &c., was laid on the table.

Mr. Shoup offered for adoption the following resolution, viz:

Resolved, That this House will hold evening sessions during the remainder of this session of the Legislature, commencing at 6 o'clock on Monday, Wednesday and Friday evenings of each week, for the purpose of revision;

Which was read, and, on motion of Mr. Wilson, laid on the table.

On motion of Mr. Bradley,

No. 127. A bill to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner, was taken from the table and ordered to be engrossed.

Mr. Bradley introduced the following bill:

No. 187. A bill to subject equitable interest in real property, and choses in action, to the payment of debts;

Read a first time and passed to a second reading.

Mr. Robinson moved to take up bill,

No. 153. An act to divide the State into Congressional districts.

Which was not agreed to.

The Speaker laid before the House a report of the Hon. George H. Dunn, Treasurer of State;

Which was made in obedience to a resolution of this House, requiring him to inform the House of the amount of bank scrip in the Treasury,—from what source it was derived, &c.;

Which was read and referred to the committee of ways and means.

On motion of Mr. Brown of Marion,

The use of the Hall of the House of Representatives was granted to the Rev. F. Tevis to hold divine service in, on Friday evening the 6th inst., at 6 o'clock, P. M.

ORDERS OF THE DAY.

No. 181. A bill relative to the Perry county seminary;

Read a second time and ordered to be engrossed.

No. 163. An act to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Paoli to Mount Pleasant;

Read a second time and ordered to be engrossed.

No. 176. A bill to change the name of Luther Thomas Griffing to Luther Thomas Martin;

Read a second time and ordered to be engrossed.

No. 173. An act providing suitable punishment for defaulting public officers;

Read a second time and ordered to be engrossed.

No. 169. An act to divorce Elizabeth Brown from her husband John D. Brown,

Read a second time and ordered to be engrossed.

No. 168. An act for the relief of Zera Sutherland;

Read a second time; when,

Mr. Norvell moved to lay it on the table;

And, the ayes and noes having been demanded by Messrs. Robinson and Moore of Owen:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of R., Butterfield, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, English, Fuller, Hargrove, Hodges, Huckaby, Jackson, Johnson, Lewis, Leyman, Logan, Lowe, Matheny, Montague, Moore of F., Moore of O., Nees, Norvell, Osborn, Patrick, Proctor, Real, Roberts, Simonson, Sluss, Steele, Strain, Stratton, Wheeler and Mr. Speaker.—38.

Those who voted in the negative were,

Messrs. Brown of Marion, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Coffin, Davis of Madison, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hillis, Jones, Lee, Leslie, Lingle, Major, Marsh, Marvin, Mathers, Meeker, Nelson, O'Neal, Parker, Prilliman, Rich, Robinson, Rose, Shelby, Shoup, Snook, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, and Wilson.—44.

So said motion did not prevail.

Mr. Moore of Owen moved to commit the bill to the committee on claims.

And, the ayes and noes having been demanded by Messrs. Moore of Owen and Marvin:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Butler of Randolph, Dufour, English, Foulke, Fuller, Hargrove, Hodges, Lewis, Lowe, Leslie, Logan, Major, Moore of O., Nees, Norvell, Osborn, Patrick, Proctor, Roberts, Simonson, Sluss, Snook, Steele, Strain, and Stratton.—30.

Those who voted in the negative were,

Messrs. Brown of Rush, Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Madison, Davis of Sullivan, Denny, Edwards, Flannegan, Gilbert, Goodenow, Gorman, Hillis, Huckaby, Jackson, Johnson, Jones, Lee, Lingle, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Mitchell, Montague, Moore of F., Nelson, O'Neal, Parker, Prilliman, Real, Rich, Robinson, Rose, Shelby, Shoup, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams, Wilson and Mr. Speaker.—57.

So said motion did not prevail.

And before any further action was had thereon,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, JAN. 6, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Davis of Sullivan, the petition of divers citizens of Sullivan county, for the straightening the county line of Knox and Sullivan counties;

Which was read and referred to the committee on county boundaries.

By Mr. Goodenow, the petition of divers citizens, praying an award or bounty on cocoons and reeled silk;

Which was referred to the select committee heretofore appointed for that purpose; and,

On motion of Mr. Brown of Marion,

Mr. Goodenow was added to said committee.

By Mr. Claypool, the petition of divers citizens of Fayette county, praying for the repeal of the law assessing dogs in said county;

Which was referred to a select committee of Messrs. Claypool, Tingley and Robinson.

By Mr. Moore of Floyd, the petition of Eleazar S. Phelps of Floyd county, praying for relief as therein set forth;

Which was referred to the judiciary committee.

The Speaker laid before the House a communication of the Hon. John Vawter, on the subject of the State bank and branches;

Which was referred to the committee on the State bank.

By Mr. Jones, the petition of divers citizens of the State, praying relief as therein set forth;

Which was referred to the committee on canals and internal improvements.

By Mr. Johnson, the petition of John Carlisle, in relation to the water power and rents of the Central canal at Indianapolis;

Which was referred to a select committee of Messrs. Johnson, Brown of Marion and Chrisman.

By Mr. Brown of Marion, two petitions, of divers citizens of Marion county, praying the repeal of the incorporation of the town of Indianapolis;

Which was referred to a select committee of Messrs. Brown of Marion, Johnson and Hardin.

By Mr. Bradley, the memorial of James Congdon, Stephen Hodson and others, relative to a State road in Lake county;

Which was referred to the committee on roads.

By Mr. Bradley, the petition of Abijah Begelow and others, of La-porte county, relative to the school fund;

Which was referred to the committee on education.

By Mr. Shoupe, the petition of J. M. Edgerton and others, citizens of Franklin county, praying for the appointment of a superintendent of common schools;

Which was referred to the committee on education.

By Mr. Carter, the petition of Philip Learney of Cass county, praying for relief;

Which was referred to the judiciary committee.

By Mr. Shoup, the petition of divers citizens of Rush, Fayette and Franklin counties, in relation to a State road;

Which was referred to a select committee of Messrs. Shoup, Cooly, and Claypool.

REPORTS FROM SELECT COMMITTEES.

Mr. Marvin, from a select committee, reported the following bill:

No. 188. An act for the relief of David Matlock, road commissioner of Hendricks county:

Read a first time and passed to a second reading on to-morrow.

Mr. Jones, from a select committee, reported the following bill:

No. 189. An act to incorporate the Columbus band of musicians;

Read a first time and passed to a second reading on to-morrow.

Mr. Brown of Dearborn, from a select committee, made report as follows:

MR. SPEAKER:

The select committee to which the House referred the memorial of John B. Dillon, praying the House to authorize a subscription for his "History of Indiana,"

REPORT,

That time is not allowed them for a careful examination, and just criticism of the work, and therefore, they are unable to give a confident opinion of its general merits; a slight and cursory inspection of some passages have impressed the committee favorably. So far as they have been able to look into the manuscript, the author appears to have been industrious in his researches, to have collected several rare documents, and to have taken pains to establish a strict chronological order of events. The committee are induced to believe the work will be useful, and that the author deserves to be encouraged by the General Assembly, in the manner described by the bill, which accompanies this report:

No. 190. A bill authorizing a subscription for the History of Indiana;

Read a first time and passed to a second reading on to-morrow.

Mr. Swihart, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of William F. Burnett, to vacate a part of the town of Perrysburg, in Miami county, and the petition of E. A. Rodes and others, to vacate a part of the town of Guilead, in said county, have had the same under consideration, and directed me to report, that the county commissioners have now full power conferred on them by the law, to vacate any town or part thereof, that in their opinion, private as well public rights might be invaded, not known to this committee, and therefore deem it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

The House took up the following message of the Senate:

Which was received by Mr. Maguire their Principal Secretary;

MR. SPEAKER:

The Senate has passed with one amendment, No. 67, a bill of the House of Representatives, entitled:

An act to amend an act entitled an act, to amend an act, entitled an act to incorporate the Liverpool Bridge Company;

In which amendment the concurrence of the House of Representatives is requested.

Which amendment to said bill was not concurred in by the House.

RESOLUTIONS OFFERED FOR ADOPTION.

On motion of Mr. Butler of V.,

Resolved, That the committee of ways and means be instructed to report to this House a bill postponing the time for county treasurers to make settlement with county auditors until the 1st of May, 1843; also, to postpone the time for settlement with the State Treasurer until the 20th May, 1843, so far as the revenue of 1842 is concerned.

On motion of Mr. Marsh,

Resolved, That the committee on canals and internal improvements be instructed to report a bill compelling persons entrusted with the letting of water power, belonging to the State, to advertise three months, and receive written proposals for all water power, hereafter to be let.

On motion of Mr. Bowers,

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law, as to more fully define what fees shall be demanded of aliens for their naturalization papers, and to enquire into the expediency of reducing the same, and report by bill or otherwise.

Mr. Wilson introduced the following joint resolution:

No. 191. A joint resolution authorizing the Treasurer of State to contract for a loan sufficient to meet the current expenses of the fiscal year;

Read a first time and passed to a second reading on to-morrow.

BILLS INTRODUCED.

By Mr. Nees:

No. 192. A bill for the relief of Nathan Burchfield;

Read a first and second times and referred to the committee on canals and internal improvements.

By Mr. Carter:

No. 193. An act to extend the provisions of an act, for the relief of settlers on the Wabash and Erie Canal lands, approved Feb. 24, 1840;

Read a first time and passed to a second reading.

On motion of Mr. Shoup,

No. 149. A bill to appoint commissioners to locate a State road in the counties of Fayette and Franklin;

Was taken from the table, and referred to a select committee of Messrs. Shoup, Cooley and Claypool.

ORDERS OF THE DAY.

On motion of Mr. Moore of O., bill

No. 74. An act regulating the fees and salaries of the several persons therein named;

Was taken from the table, and

On motion of Mr. Lowe,

Referred to a committee of the whole House, and made the special order of the day, with Mr. Lowe in the chair, and after having spent some time therein, the committee rose, and through its chairman, reported progress, and asked leave to sit again;

And the ayes and noes having been demanded on sitting again by Messrs. Moore of O. and Robinson;

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of White, Butterfield, Carter, Davis of M., Dunn, Edwards, Flannegan, Francis, Hawkins, Leslie, Marsh, Marvin, Matheny, Mathers, Montague, Nelson, Norvell, Robinson, Simonson, Snook, Stewart, Swihart, Thompson, Wilson and Mr. Speaker—26.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of R., Butler of Vanderburgh, Chrisman, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Edmonson,

English, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Leyman, Lingle, Logan, Lowe, Major, Meeker, Moore of Floyd, Moore of Owen, Nees, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoup, Sluss, Steele, Strain, Summers, Sumner, Tingley and Wheeler—57.

So leave to sit again was not granted.

Mr. Clements, moved to commit the bill to the committee of ways and means, with instructions to equalize the fees of the several officers of the State.

Mr. Simonson moved to amend the instructions as follows:

That whenever the clerk's fees of any county in this State shall exceed \$1,000, such excess shall be by such clerk paid into the county treasury of the county in which the same was acquired;

Also, whenever the fees of the Sheriff of any county shall exceed \$800, the excess shall in like manner, be paid into the county treasury;

And a division of the question having been called for;

The question recurred upon the commitment of the bill to the committee of ways and means;

And the ayes and noes having been demanded by Messrs. Clements and Roberts;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marvin, McCormick, Meeker, Montague, Moore of Owen, Nees, Nelson, Norvell, Osborn, Parker, Patrick, Peak, Prilliman, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Bales, Bowers, Hardin, Hargrove, Matheny and Mathers—6.

So said bill was ordered to be committed.

The question then recurring upon the adoption of Mr. Simonson's amendment to the instructions, as offered by Mr. Clements;

Which was not adopted

Mr. Thompson moved to amend the instructions as follows:

That it shall be the duty of the clerks of the several courts, on application being made by any person, being an alien, and desirous of

becoming a citizen of the United States, to permit him to declare his intentions under oath or affirmation, and give him a certificate of his having so declared his intentions to become a citizen of the United States under seal, for which the clerk shall be entitled to receive twenty-five cents, and for giving a final certificate of Naturalization, the clerk giving the same, shall be entitled to receive the sum of fifty cents in full for all charges, for administering the oath, giving the final certificate and recording the same;

Which amendment was adopted.

The question then recurring upon the adoption of the instructions as amended;

Which was agreed to.

No. 143. A bill dividing the State into Congressional districts was then taken up; when

Mr. Shoup moved to lay it on the table;

Which did not prevail.

The chair announced the question to be on the motion to strike out the word "Rush" in the eighth line, and insert the word "Union;"

And the ayes and noes having been demanded by Messrs. Shoup and Lowe;

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Rush, Butler of Vanderburgh, Butterfield, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Sumner, Tevis, Thompson and Wilson—39.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Campbell, Carter, Cooley, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Marsh, Major, Matheny, McCormick, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Summers, Swihart, Tingley, Wheeler and Mr. Speaker—46.

So said motion did not prevail.

Mr. Tingley moved to reconsider the vote just taken on the motion to strike out the word "Rush" and insert "Union;"

Whereupon, Mr. Lowe moved a call of the House;

And the clerk proceeded to call the roll;

The absentees were Messrs. Butler of R., Myers, Millikin and Whight, who were all excused;

And on motion of Mr. Steele, the further call of the House was suspended.

The question then recurring on Mr. Tingley's motion to reconsider;
And the ayes and noes having been demanded by Messrs. Tingley
and Shoup;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Rush, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Dunn, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marsh, Matheny, Mathers, Meeker, Mitchell, Montague, Norvell, Patrick, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Sumner, Tevis, Thompson, Tingley and Wilson—46.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marvin, McCormick, Moore of Floyd, Moore of Owen, Nees, Nelson, O'Neal, Osborn, Parker, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—44.

So said vote was reconsidered.

The question then recurring on the motion to strike out of the eighth line, the word "Rush," and insert "Union;"

And the ayes and noes having been demanded by Messrs. Shoup and Lowe;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Lowe, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley and Wilson—48.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Campbell, Chrisman, Cooley, Davis of Sullivan, Dufour, Edmonson, English, Fuller, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Major, Marsh, McCormick, Moore of Floyd, Moore of

Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—42.

So said motion to strike out prevailed.

Mr. Foulke moved to amend said bill by striking out of the eighth line, the word "Madison," and inserting "Franklin;"

And the ayes and noes having been demanded by Messrs. Shoup and Foulke;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Butterfield, Claypool, Clements, Davis of Madison, Flannegan, Foulke, Gilbert, Goodenow, Hiatt, Hillis, Lee, Leslie, Logan, Meeker, Montague, Parker, Patrick, Rich, Shelby, Stratton, Summers, Thompson, Williams and Wilson—26.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of Madison, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Coffin, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Francis, Gorman, Hardin, Hargrove, Hawkins, Hodges, Huckaby, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Lowe, Major, Mash, Matheny, McCormick, Mitchell, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Sumner, Swihart, Tevis, Wheeler and Mr. Speaker—62.

So said amendment was not adopted.

On motion of Mr. Lowe,

Leave of absence was granted to Mr. Dunn.

Mr. English, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the enrolled with the engrossed bill and joint resolution of the House of Representatives, and find the same correctly enrolled, to-wit:

No. 177. An act fixing the time of holding courts in the eleventh judicial circuit;

No. 51. A joint resolution in relation to postage on newspapers and pamphlets.

And on motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, JAN. 7, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By Mr. Hodges, the petition of Messrs. Cooper & Buchanan, praying the Legislature to authorize the Governor or Treasurer to appoint appraisers under the act providing for a suspension of the public works, approved 1839, to assess damages, &c.;

Which was referred to the committee on canals and internal improvements.

Mr. Hawkins presented the petition of divers citizens of the State, on the subject of cocoons and reeled silk ;

Which was referred to the select committee heretofore appointed for that purpose.

Mr. Wheeler, chairman of the standing committee on the State Library on the part of the House, made the following report :

Mr. SPEAKER :

The Joint Committee on the State Library, to which was referred a communication from the Auditor of State in relation to the accounts of William J. Brown, Esq., late State Librarian, have had that subject under consideration, and directed me to report :

That the importance of the subject referred to them, involving as it does the constitutional right of an individual legally elected to a seat upon this floor to occupy such seat, induced your committee to devote more time and attention to the subject, than may have seemed necessary to those who looked upon it as a mere settlement of accounts.

In ascertaining the state of Mr. Brown's accounts, the committee have been compelled to resort to other data than the report of the Auditor; that being palpably erroneous in several items, which due attention to the duties of the office should have enabled that officer to give correctly. A few instances will serve to show that there has been something wrong in the *manner* of keeping these accounts in the Auditor's office, or else a culpable negligence upon the part of that officer in carrying that system into effect. The statement of the Auditor referred to this committee shows that but two hundred dollars worth of books were purchased and placed in the Library in the year 1837, while the fact as shown by the printed report of the Librarian, is, that they amounted to \$400. Again: that statement shows the appropriation of 1838 to have been but \$200, when it was in fact \$400. By reference, however, to the aforesaid reports, (to the annual reports of the State Librarian,) and to the several laws making appropriations, the committee have been enabled to state the following accounts between the State and Wm. J. Brown, to-wit ;

William J. Brown, late State Librarian,

<i>In account with the State of Indiana,</i>					<i>Dr.</i>
1837.	To amount appropriated for purchase of books,				\$200 00
1838.	"	"	"	"	400 00
1839.	"	"	"	"	400 00
1840.	"	"	"	"	400 00

Making a total amount received by him of	-	\$1,400 00
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<i>Contra,</i>					<i>Cr.</i>
1837.	By books paid for by him,	-	-	-	\$400 00
1838.	"	"	-	-	181 00
1839.	"	"	-	-	333 09
1840.	By books of Bartlet & Welford,	-	-	-	317 36
"	By books of Munsel and self,	-	-	-	69 74
1842.	By cash paid to State Treasurer,	-	-	-	100 00

Total by him paid out,	-	-	-	\$1,401 19
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Leaving a balance due said Brown from the State of \$1,19.

And thus it will be seen by this plain statement of all the money which has ever come to the hands of Mr. Brown, and of the manner in which the same was expended, that so far from his being a defaulter to the State, the State is his debtor to the amount of one dollar and nineteen cents. It is true that there has been a laboured effort on the part of the Auditor of State, as shown by his report referred to this committee, to connect with, and mystify this plain statement of facts, by a matter which your committee conceive has nothing more to do with the subject than it has with the war in China or the predictions of Miller.

As this matter forms a part of the report referred to this committee, and has been much dwelt upon by some of the members of this body, the committee thought proper to fully investigate it, and have arrived at the following facts:

On the 25th of June, 1840, Mr. Brown gave to W. W. Reed, of Hartford, Connecticut, an order to furnish certain specified books for the Library, and at the same time, gave him discretionary power to purchase \$300 worth of books of a *scientific* and *literary* character, for which he, the said Reed, was to draw on the Secretary of State, on the first of January, next following. Brown, at that time, had in his hands, only the sum of \$98 81. At the time Mr. Reed received this order, he was not only furnished with a catalogue of the books then in the Library, but was also informed that the books must be of the character specified, or they would not be received. No information was received from Reed, until Mr. Brown was furnished with an invoice of purchases, which came too late to enable him to countermand the shipment of the books. Upon their arrival, they were not only found to be charged extravagantly high, but a part of them were of a character expressly forbidden by Mr. Brown—being duplicates

of books already in the Library, old novels, school books, and odd volumes. Upon consultation with several gentlemen of high respectability, interested in the Library, Mr. Brown determined to receive but a part of these books, in his character as State Librarian.

He, therefore, selected such of them as he had authorized to be purchased, amounting to the sum of \$200 91, which were placed in the Library, leaving a balance amounting to \$143 72, which were not purchased, in accordance with the directions of Mr. Brown, and which he, in the opinion of your committee, correctly refused to receive in behalf of the State. This \$200 91 worth of books, received of Mr. Reed, being purchased on a credit, were not paid for by Mr. Brown, and as he (Brown) has fully accounted for all money, by him received as State Librarian, the committee conceive the State to be justly indebted to said Reed in that amount.

The balance of Mr. Reed's bill never having been authorized or accepted by the State or any person in her behalf, your committee think should not be paid by her.

Having thus clearly shown the state of Mr. Brown's account with the State, as well as the liability of the State to Mr. Reed, your committee feel constrained to notice a few of the statements contained in the aforesaid report of the Auditor of State, and which, in the opinion of this committee, develop a degree of ignorance or carelessness, inexcusable in so high an officer of State. In addition to the mis-statement of the amount of books purchased in 1837, and the appropriation of 1838, before noticed, the Auditor states that the whole amount of Mr. Reed's bill of \$344 63, formed a part of the \$588 11 worth of books reported to have been placed in the Library, by Mr. Brown, in his report of 1840, while the truth is, that there was only included in that amount, the sum of \$200 91, that being the amount of Mr. Reed's books placed in the Library, and the balance of the sum of \$588 11, being made up of the purchase from Bartlet & Welford, amounting to \$317 36, and of Munsell & Brown of \$69 74, and an error of ten cents.

Upon this error of the Auditor seems to rest the whole charge of defalcation against Mr. Brown.

But, again, notwithstanding all the facts in relation to Reed's claim were officially communicated to the House of Representatives at its last session, and must have been known to the Auditor of State, he says, "that the full amount of Reed's bill, including the \$143 72 never received by the State, has since been audited by him and *paid* by the Treasurer." The committee are happy in being able to state, however, that this statement is only half true. That it has been unwarrantably and unjustifiably *audited* is believed to be true; but fortunately for the State it has not been *paid*, as was proven by the statement of the Treasurer of State. Why the Auditor should charge Mr. Brown with interest upon Reed's bill, without having allowed it to Reed, is strange indeed; but it is still more strange that Brown should be charged with interest upon money he never received. In view of all these facts, your committee recommend the adoption of the follow-

ng resolutions, and ask to be discharged from the further consideration of this subject:

Resolved, That William J. Brown, late State Librarian, did faithfully and impartially discharge the duties of such office, and has fully accounted for, and paid over all moneys by him received, by virtue of his said office.

Resolved, That the Treasurer of State be, and he is hereby directed, not to pay the amount of warrant, number 5806, drawn by the Auditor of State in favor of W. W. Reed, and that the Principal Clerk of this House furnish the Treasurer with a copy of this resolution forthwith.

Resolved, That the Auditor of State is hereby directed and required upon the delivery to him of warrant number 5806, to cancel the same and to draw a warrant upon the Treasurer of State in favor of W. W. Reed, of Hartford, Connecticut, for the sum of two hundred dollars and ninety-one cents, and that the Principal Clerk of this House furnish the Auditor with a copy of this resolution forthwith.

A. L. WHEELER,
FRANKLIN HARDIN,
W. B. MITCHELL,
P. M. PARKS,
JOHN B. NEES.

Mr. Stratton moved lay the report on the table;

Which motion did not prevail.

Mr. Stratton presented the following report from the minority of the joint committee on the State Library:

MR. SPEAKER:

The undersigned, a member of the joint committee on the State Library, to whom was referred the statement of the Auditor relative to the accounts of William J. Brown, late State Librarian, having investigated that subject, begs leave to report, that he finds the following state of facts to exist, to-wit: That within the period for which William J. Brown acted as State Librarian, he purchased books for the State Library to the amount of \$1,502 20; and drew within the same period, from the State Treasury, the amount of 1,400 dollars, leaving a balance in favor of Mr. Brown of \$102 20; that of the above purchase, \$344 63 remained unpaid at the time Mr. Brown went out of office, from which deduct the \$102 20 and a balance remains against Mr. Brown of \$242 43; that Mr. Brown has since paid into the State Treasury 100 dollars, leaving a balance against him of \$142 43.

The undersigned further finds, that of a lot of books purchased by Mr. Brown, amounting to \$344 63, he placed in the State Library only \$200 91 worth, and the remainder, amounting to \$143 72, he appropriated to his own use; and that the Auditor of State has issued his warrant upon the Treasurer in favor of the individual.

from whom the above named lot of books was purchased for the said amount of \$344 63.

The question then to be determined, is not whether William J. Brown is indebted to the amount of \$142 43, for this is admitted; but the question is, to whom does he owe it? to the merchant from whom he purchased the books, or to the State of Indiana?

Now, as Mr. Brown is a member of the House, and the undersigned a member of the Senate, and as the undersigned conceives that the decision of the above question does not come legitimately before the Senate, or any committee or member thereof, he begs leave to refrain from expressing any opinion upon the subject, and asks to be discharged from the further consideration thereof.

BENJAMIN F. REEVE.

Mr. Bradley presented the following communication from the Hon. B. F. Reeve:

MR. SPEAKER:

In as much as the Hon. Mr. Wheeler has made some *unwarrantable* statements in his communication to the House on yesterday in reference to myself, I deem it to be my duty further, and more fully to explain, relative to that matter.

Whatever the honorable gentleman may have understood, I will not pretend to say; but I do *most distinctly* aver that I did *not* agree to report a bill declaring "that Mr. Brown was not a defaulter, but that the state owed him \$1 29." After the investigation *the majority* of the committee agreed to make a report, somewhat similar to the above. I proposed to make a report embodying all the facts, and to express *no* opinion whether Mr. Brown was, or was not a defaulter. This was not agreed to. And from the very fact that we did not agree in our conclusions, as we adjourned, Mr. Wheeler took the papers to make the report, remarking that if *he* had to make the report, it would not be made to-night, and put the papers in his pocket. When Mr. Wheeler and myself got to the door, (the balance of the committee, I think were gone,) I remarked to him, "that when he made his report, I would see it, and *then* tell him whether I would sign it or not." He again insisted that I should take the papers and make a report. I then took the papers and told him I would make *a* report, and he might or might not sign it, as he should think proper. I drew up a report, and the next day, either in the morning or at noon, (I do not recollect which,) I showed the report to Mr. Wheeler. He objected to it, and I gave him the papers to make one to suit himself. In my former communication I made no charge against Mr. Wheeler, or any one else; but exonerated him from all wilful neglect on the subject. Why Mr. Wheeler should have made such statements in

reference to myself, I cannot imagine, unless it was that his partisan feelings had overcome his judgment and beclouded his reason.

The above is precisely my recollection of the matter.

Respectfully submitted,

BENJAMIN F. REEVE.

Jan. 6th, 1843.

Mr. Norvell presented the following communication from the Hon. W. B. Mitchell:

SENATE CHAMBER, {
January 7th, 1843. }

The undersigned understands that the Hon. Benjamin F. Reeve has asserted in a communication to the House of Representatives that he did not agree that the report in the case of W. J. Brown, late State Librarian, should exonerate said Brown from the charge of being a public defaulter. After the committee had heard the testimony and investigated the matter, the committee did direct a report to be made exonerating Brown from the charge of defalcation and the undersigned did understand most distinctly that Mr. Reeve assented to it, and in this assertion we cannot be mistaken; and, further, that no testimony was afterwards furnished to the committee by which a change of mind could be produced.

W. B. MITCHELL.

I concur in the above statement.

F. HARDIN.

Mr. Coffin moved to refer the reports, &c. to a select committee, with instructions to send for persons and papers, if they should find the same to be necessary.

Mr. Tevis moved the previous question;

Which was seconded by the House.

The question then recurring, "shall the main question be now put;"

Which was decided in the affirmative.

The question then recurring upon the adoption of the first resolution as reported by the majority of the committee;

And, the ayes and noes having been demanded by Messrs. Bradley and Stratton.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Denny, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Tevis, Wheeler, and Mr. Speaker.—51.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hodges, Huckaby, Lee, Leslie, Marvin, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, and Wilson.—37.

So said resolution was adopted.

The question then recurring upon the adoption of the second resolution as reported,

And the ayes and noes having been demanded by Messrs. Bradley and Stratton,

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Marsh, Major, McCormick, Millikin, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, and Wheeler.—48.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Williams, and Wilson.—38.

So said resolution was adopted,

The question then recurring upon the adoption of the third resolution as reported,

And the ayes and noes having been demanded by Messrs. Bradley and Edwards,

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, McCormick, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts,

Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Wheeler, and Mr. Speaker.—44.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Davis of Madison, Davis, of Sullivan, Denny, Edwards Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Meeker, Millikin, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, and Wilson.
—39.

So said resolution was adopted.

On motion of Mr. Bradley,

Resolved, That the use of this Hall be given to the convention advertised for, and intended to be holden here on Monday next, and this House will not hold any session on said day.

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

REPORTS FROM SELECT COMMITTEES.

Mr. Norvell, from a select committee, reported

No. 194. A bill to form a new county out of the counties of Knox, Green, Daviess, and Sullivan;

Read a first time, and passed to a second reading on to-morrow.

Mr. Davis of Sullivan moved that 500 copies of the reports, both of the majority and the minority of the joint committee on the state library, in relation to the Hon. W. J. Brown, together with the accompanying communications, be printed.

Mr. Matheny moved to amend by adding, "and papers and evidence before the committee;

Which was not agreed to.

The question then recurred upon Mr. Davis' motion,

Which was consented to.

On motion of Mr. Edmonson,

The following message of the Senate was taken up:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with amendments, bill No. 52, of the House of Representatives, entitled, an act to provide for the re-

ception of certain treasury notes in payment of county revenue and for other purposes;

In which amendments the concurrence of the House of Representatives is respectfully requested.

Mr. Lowe moved to concur in the first amendment of the Senate, with the following amendment:

Strike out all from the word "otherwise," in the 7th line, to the word "securities," in the 9th line;

And the ayes and noes, having been demanded by Messrs. Bowers and Osborn,

Those who voted in the affirmative were,

Messrs. Butterfield, Davis of Madison, Davis of Sullivan, Dufour, Flannegan, Gorman, Hardin, Hargrove, Hawkins, Lee, Leslie, Leyman, Lowe, O'Neal, Prilliman, Shelby, Simonson, Wheeler, Williams and Mr. Speaker.—19.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Denny, Edmonson, Edwards, Foulke, Francis, Gilbert, Goodenow, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lewis, Logan, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Nees, Osborn, Parker, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Tingley, and Wilson.—59.

So said motion did not prevail.

Mr. Bowers moved to concur in the 1st amendment of the Senate, with an amendment, to strike out the latter clause of the same;

Which motion did not prevail.

The question then recurring upon the adoption of the 1st amendment of the Senate;

And, the ayes and noes having been demanded by Messrs. Osborn and Bowers:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Butler of Randolph, Campbell, Davis of Madison, Dufour, Fuller, Hardin, Hawkins, Hiatt, Lee, Leslie, Matheny, Myers, Prilliman, Summers, Swihart, Williams, Wilson and Mr. Speaker.—22.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Sullivan, Denny, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert Goodenow, Gorman, Hargrove, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Marvin, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of O., Nees, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Snook, Stewart, Strain, Stratton, Sumner, Tingley and Wheeler.—67.

So said amendment was not concurred in.

Mr. Steele moved to concur in the second amendment of the Senate, with an amendment, by striking out the words, "east of Tippecanoe."

Mr. Robinson moved to lay the whole subject on the table;

Which motion did not prevail.

Question then recurring upon Mr. Steele's motion,

And, the ayes and noes having been demanded by Messrs. Robinson and Jackson:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butler of Vanderburgh, Coffin, Dufour, Flannegan, Francis, Hiatt, McCormick, Mitchell, Patrick, Shelby, Steele, Stewart, Strain, and Williams.—16.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Butler of Randolph, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Davis of Madison, Davis of Sullivan, Denny, Edmonson, Edwards, English, Foulke, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Meeker, Millikin, Montague, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shoup, Simonson, Snook, Stratton, Summers, Swihart, Tevis, Thompson, Tingley and Wilson.—68.

So said motion did not prevail.

Mr. Robinson moved to concur in said amendment, with the following amendment:

And provided, also, that the said canal land scrip be, and the same is hereby made receivable for all State dues, in the same manner that treasury notes are made receivable by this act.

And, the ayes and noes having been demanded by Messrs. Thompson and Robinson:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butler of Vanderburgh, Carter, Dufour, Flannegan, Francis, Hiatt, McCornick, Mitchell, Robinson, Steele, Stewart, and Thompson.—14.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Butler of R., Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Madison, Denny, Edmonson, Edwards, English, Foulke, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, Meeker, Millikin, Montague, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Summers, Sumner, Swihart, Tevis, Tingley, Williams, Wilson and Mr. Speaker.—65.

So said motion did not prevail.

Mr. Brown of Marion moved to concur in the amendment, with the following amendment: to strike out section eight to the amendment of the Senate.

Mr. Wilson moved the previous question;

Which was seconded by the House.

The question then recurring, "shall the main question be now put;"

Which was decided in the affirmative.

The question then recurring, "will the House concur in the amendment of the Senate;"

And, the ayes and noes having been demanded by Messrs. Robinson and Bradley:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Chrisman, Claypool, Fuller, Hawkins, Johnson, Meeker, Simonson, Sumner and Tevis.—10.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of D., Butler of R., Butler of V., Campbell, Carter, Clements, Coffin, Cooley, Davis of M., Davis of S., Denny, Dufour, Edmonson, English, Edwards, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick Millikin, Mitchell, Montague, Moore of F., Moore of O., Nees, Norvell,

O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Steele, Stewart, Strain, Summers, Swihart, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—78.

So the House refused to concur.

The third amendment was concurred in by the House.

On motion of Mr. Gorman,

The House took from the files bill,

No. 127. A bill to facilitate a final settlement of the accounts of Milton Stapp, fund commissioner; when,

Mr. Huckaby moved to recommit the bill, with instructions to amend the same by adding the words, "State bonds which the State legally parted with;"

Which was concurred in.

Mr. Wilson moved to lay the bill on the table;

Which did not prevail.

Mr. Leslie moved to commit the bill to a select committee with the following instructions:

Strike out the words, "to the satisfaction of the agent of State," and insert, "shall pay all dues to the State said Stapp owes."

Mr. Edmonson moved to amend the instructions by adding the words, "and all costs of sale;"

Which was accepted by the mover.

The question then recurring on the commitment of the bill with instructions;

And the ayes and noes having been demanded by Messrs. Bradley and Carter:

Those who voted in the affirmative were,

Messrs. Bowers, Chrisman, Clements, Davis of Sullivan, Dufour, Edmonson, Edwards, English, Hargrove, Hodges, Leslie, Leyman, Logan, Matheny, Moore of O., Nelson, O'Neal, Osborn, Parker, Peak, Proctor, Real, Rich, Robinson, Rose, Shelby, Simonson, Snook, Stewart, Thompson, Tingley, Williams and Wilson.—33.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of Marion, Butler of R., Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Coffin, Cooley, Davis of Madison, Denny, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Lowe, Major, Marsh, Marvin, McCormick, Meeker, Millikin, Montague, Moore of F., Nees, Patrick, Shoup, Steele, Sumner, Swihart, Tevis, and Mr. Speaker.—43.

So said bill was not ordered to be committed.

The following message was received from His Excellency, the Governor, by I. H. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 4th inst., he approved and signed the following act:

No. 140. An act providing for the relocation of the seat of justice in the county of Crawford, and for other purposes;

Which originated in the House of Representatives.

And, on motion,

The House adjourned until Tuesday morning 9 o'clock.

TUESDAY MORNING, JANUARY 10, 1843.

The House met pursuant to adjournment.

On motion of Mr. Hodges,

Leave of absence was granted to Dr. Patrick.

The Speaker laid before the House the following communication:

INDIANAPOLIS, }
JANUARY 10, 1843. }

To the Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—Please lay before the House over which you have the honor to preside, the following bill of expense, incurred in removing the body of the Hon. Ezekiel L. Dunbar, deceased, to his family residence, at Brownstown, Jackson county.

Respectfully, your obt. servant,

W. JENNINGS VAWTER.

Which was read and referred to the committee on claims.

PETITIONS PRESENTED.

By Mr. Lowe, of citizens of Rush county, in relation to clerk's fees on marriage license;

Which was referred to the committee on ways and means.

By Mr. O'Neal, of citizens of Greene county, asking the appointment of commissioners, and the establishment of a certain State road therein named;

Which was referred to a select committee of Messrs. O'Neal, Moore of O., and Nees.

By Mr. Steele, the petition of divers citizens of the county of Park, praying the reduction of the fees and salaries of all officers of the State as well as the members of the Legislature;

Which was referred to the committee of ways and means.

By Mr. Foulk, the petition of divers citizens of the State, in relation to a proposed canal, at or near Hagerstown in Wayne county;

Which was referred to a select committee of Messrs. Foulk, Hiatt and Stratton.

By Mr. Tingley, the petition of James Silver of Rush county, praying relief;

Which was referred to the committee on education.

By Mr. Chrisman, the petition of the citizens of Eagle Village, and lot holders in Broon county, praying a change of the plat of said village;

Which was referred to a select committee of Messrs. Chrisman, Rose and Nelson.

By Mr. Millikin, the petition of citizens of Lawrenceburgh; on the subject of amending the charter of the Lawrenceburgh and Napoleon Turnpike company;

Which was referred to a select committee of Messrs. Millikin, Bowers and Brown of D.

By Mr. Nees, the memorial of the justices of the peace of the county of Clay, in relation to two indictments preferred against them;

Which was read and referred to a select committee of Messrs. Nees, O'Neal and Davis of S.

By Mr. Matheny, the petition of numerous citizens of the county of Morgan, praying the abolition of the office of county auditor, and the repeal of the law imposing a per centum or penalty of twenty-five cents on delinquent tax payers;

Which was referred to a select committee of Messrs. Matheny, Hardin and Sluss.

By Mr. Campbell, the petition of the Board of Commissioners, &c., of the county of Lake, expressing their opposition to the appointment of commissioners to locate roads by the Legislature;

Which was referred to the committee on roads.

By Mr. Morre of F., the petition of John Hancock and others, to abolish the office of county auditor, in Floyd county;

Which was referred to the select committee on abolishing said office.

By Mr. Huckaby, the petition of W. J. Lamb and others of the county of Perry, in relation to the road laws;

Referred to the committee on roads.

By Mr. Swihart, two petitions of divers citizens of the county of Wabash, in relation to the office of county auditor;

Which was referred to the select committee on that subject.

By Mr. Huckaby, the petition of numerous citizens of the county of Perry, on the subject of capital punishment;

Which was referred to the judiciary committee.

By Mr. Logan, two several petitions of numerous citizens of the county of Washington, on the subject of abolishing the office of county auditor;

Which was referred to the select committee on that subject.

By Mr. Major, the petition of Andrew C. Bryan and others, relative to an improvement made by him on canal land in Clinton county;

Which was referred to a select committee of Messrs. Major, Robinson and Carter.

By Mr. Robinson, of citizens of Carroll county, praying the location of a certain State road therein named;

Also, of Samuel Rifenberrick, in relation to a State road from Pittsburgh, Carroll county, to Reupelain, in Jasper county;

Also, of George Mukle and others, in relation to a State road from the same point to the same point;

Each of which were referred to the committee on roads.

By Mr. Brown of W., of citizens of Benton county, praying the appointment of commissioners to locate a certain seat of justice therein named;

Which was referred to a select committee of Messrs. Brown of W., Butterfield and Leyman.

By Mr. Hillis, of citizens of Jefferson county, praying that bounties may be allowed on silk:

Which was referred to a select committee of Mr. Hillis.

By Mr. Hiatt, the petition of George Whitman and others, of the county of Wayne, in relation to the time of paying taxes in the city of Cambridge;

Which was referred to a select committee of Messrs. Hiatt, Stratton and Foulk.

Mr. Lingle presented the petition of divers persons of the county of Orange, on the subject of the New Albany and Vincennes turnpike road;

Referred to a select committee of Messrs. Lingle, Moore of Floyd, Leslie and Clements.

Mr. Whight presented the petition of James W Cockran and others, of the counties of Gibson and Pike, praying for the location of a State road therein named;

Which was referred to a select committee of Messrs. Whight, Edmonson, Hargrove and Butler of V.

By Mr. Carther, the petition of Jourdan Vigus and 140 others of the county of Cass, for a repeal of the 5th section of an act, providing means to construct that portion of the Wabash and Erie canal within the State of Indiana, approved Jan. 28, 1830;

Which was referred to the committee on canals and internal improvements.

Also, the petition of Joseph Holman and others, securities of John Plastu, late school commissioner of the county of Miami;

Which was referred to a select committee of Messrs. Carter, Swihart and Stratton.

Mr. Wilson, on leave granted, presented the following resolution:

Resolved, That the Principal Clerk of this House be directed to withhold bill of the House No. 52, and not report the same to the Senate before to-morrow morning, eleven o'clock;

Which was adopted.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a joint resolution of the House, entitled, a joint resolution concerning the fine imposed upon Gen. Andrew Jackson in 1815, as also a joint resolution of the Senate entitled, a joint resolution in relation to refunding the fine imposed upon Gen. Andrew Jackson by the district court of Louisiana, have had that subject under consideration, and a majority of your committee have directed me to report, that, in their opinion, the subject embraced in the resolutions is one of deep importance to the whole country, and more especially to that distinguished Chief, who, having filled the measure of his country's glory, and whose years, through the mercies of a Divine Providence, have been lengthened out to three score and ten; who now, in the retirement of life, is anxiously looking to the Congress of the nation, by legislative enactment, to wipe away the only stain which rests upon his otherwise spotless reputation. His declining health, as well as his advanced age, all indicate that he will soon pay the great debt of nature, and the question now presented is, will his country do him justice? That injustice was done him in the imposition of the fine is what your committee now propose to prove. In May, 1814, Gen. Jackson was commissioned a Major General in the United States Army, and immediately took command of the southern division. From the movements of the enemy in different quarters, Gen. Jackson was induced to believe that New Orleans was the point at which their energies would be directed. He arrived in that city about the first of December, 1814, where he found a population composed of native Americans, native Louisianians, Frenchmen, and Spaniards, under the influence of natural prejudices and divided into political factions, as discordant in their views as were their habits and language. Among them, it is true, were many sterling patriots, in whose bosoms the love of liberty was burning and who might have been trusted upon any emergency, but a great portion of them were disaffected towards their government, and many of them totally unworthy of confidence. The militia was in a state of insubordination and was encouraged in their disobedience by the Legislature of the State, which was then in session; a legislature who, notwithstanding

the recent cession of the country, seemed willing to surrender a portion of her territory unasked for, to the Spanish Government. A stranger in the place, surrounded by such a population, and unacquainted with the language of a majority of its inhabitants, our General had a difficult task before him. In this situation he unfurled the standard of his country, and appealed to their national pride, their patriotism, and their valor to rally under its broad folds. All who could be operated upon by these feelings, nobly came to the rescue. But all these exertions would have been unavailing if treason had been permitted to stalk forth at noonday, disaffection fostered in the camp, or the contagion of cowardly example been encouraged. On the coast was a powerful army, men who had learned war at the cannon's mouth, and commanded by generals who had mingled in the strife of battle by the side of Wellington, and to excite them to deeds of desperation, the "booty and beauty" of the city were to be the unholy and unchristian reward of their triumph. To repel this force and to counteract the influence of treason in the American camp, required the united action and energy of all the citizens. Every thing depended upon prompt and vigilant action: delay, and all was lost. Every thing that was dear to the American patriot depended upon the issue; his property, his life, the honor and chastity of his family, his country, her honor, her Constitution, and her laws. To quiet this insubordination and to defend the city, required a master spirit. Such an one was found in the person of Andrew Jackson. Thus situated, there seemed to be no other alternative left but to proclaim martial law. The measure was recommended by Governor Claiborne, the Hon. Edward Livingston, and acquiesced in by Judge Hall himself. The declaration of martial law has never been resorted to in civilized countries except in cases of great emergency. The circumstances surrounding General Jackson seemed, imperiously, to require the exercise of this extraordinary power, as the only means of saving the city. It was an act which, at the time, was hailed with universal approbation throughout the whole country, as the only measure which would produce concert of action, overcome disaffection, and call forth the entire energies of the country.

The question was presented, whether some of the constitutional forms which protected the rights of the citizens, should temporarily be dispensed with, or the dearest privileges of the American freemen forever wrested from them. With the declaration of martial law, the city could be saved, and the national honor and fame vindicated. Without it, the city was lost, and an indelible stain fixed upon the nation's escutcheon. For the defence of the city, it was necessary that every citizen should be a soldier: that private property should be applied to public use; that the tongue of treason should be silenced and that [the] press, that great lever in all communities, if it attempted to convey intelligence to the enemy, or sow the seeds of discord among the people, should be muzzled. This could not be effected under the operation of the civil law, when the right of speech is guarantied to every citizen, and when the press is free. Public sen-

timent and public policy in all countries, have sanctioned, in cases when the safety of the country depended upon the issue, the declaration of this law. Many precedents might be cited, but let one of a recent date suffice: Within the last year, the people of the State of Rhode Island determined that they would no longer live under the odious charter granted to Roger Williams by Charles the II. They determined to adopt a Constitution of their own, with liberal provisions granting the right of universal suffrage, without the shackles of a property qualification. In this attempt to throw off this last vestige of kingly government in the United States, and to give universal liberty and universal suffrage to every one, whether rich or poor, for fear of outbreak and violence, and to quell the anticipated rising of the people in this holy cause, martial law was declared, civil process was suspended, and the whole country was under arms. And this act was sanctioned by the high functionaries of the country.

With the love of country burning in his bosom, and to save the city at all hazards, the distinguished General proclaimed the marshal law. Of his successful defence of the city and the glorious victory achieved, your committee deem it unnecessary to speak. The heroic deeds of that army are written with a pen of adamant upon the hearts of a grateful country, and all who are old enough to recollect the event, remember the universal burst of feeling with which the news of this memorable achievement was hailed throughout the land. The last and decisive battle which shed a halo of glory around the American Arms, was fought on the 8th of January, 1815. On the 20th of the same month, General Jackson entered the city of New Orleans at the head of his victorious army. Shouts of joy greeted him on all sides; children, robed in white, strewed his way with flowers, and a holy minister encircled his brow with a wreath of laurel, as a prize of victory.

The enemy was still upon their borders. Though a vague rumor of peace had reached the city, it was not confirmed by any official intelligence. Hostilities had not ceased, and the Commanding General had no evidence that the attack might not be resumed. Their number, notwithstanding their losses, were four times the amount of the regular force of the American Army, and the term of most of the militia was about to expire. It would have been a propitious moment for the enemy to strike, and regain their lost laurels. At this moment, and in this state of insecurity and suspense, one Louellair, a Frenchman, and member of the Legislature, published an anonymous communication in one of the city papers, calculated to encourage the enemy, to produce mutiny among the troops and disaffection among the French inhabitants. Louillair was arrested and imprisoned to prevent him from sowing still broader the seeds of disaffection. In this situation a certain Judge Hall, Judge of the U. States District Court of Louisiana, issued his writ of *habeas corpus* to release this traitor and restore him to the liberty of publishing what he pleased. This writ General Jackson disobeyed and sent his Honor, the Judge, out of the camp. Three days from this time the official intel-

ligence of peace arrived. Marshal law was suspended and the civil authority again assumed its usual activity,—the prisoner released,—the judge again clothed with the ermine of authority, was upon the bench. The General was in the midst of his victorious soldiery, in the presence of the city his skill and valor had saved from plunder and rapine, the theme of all praise, and the object of all gratitude. In the midst of this joy and hilarity, the General was summoned before the Judge to answer for an alleged contempt of court. And here was witnessed a scene which strongly marked the character of this great and good man, surrounded by his victorious army in the midst of a grateful country, he had saved. We see him in humble submission, bowing his laurelled head before the civil authority, patiently receiving its censure, and submitting to its judgements; thus proving that in time of peace, and when no danger is lurking around, the military is in subordination to the civil authority, and that all men are equal before the majesty of the law. For his contempt in refusing to obey the writ of *habeas corpus* he was fined by Judge Hall in the sum of one thousand dollars, which fine he immediately paid. This fine was paid into the Treasury of the United States. Should this be refunded with interest? is the question now presented for the consideration of your committee. If General Jackson erred in proclaiming martial law, it was wholly unnecessary; it was an act of usurpation and tyranny, then was the fine rightly imposed. But, on the contrary, if it was necessary for the defence of the city that the civil authority should be thus suspended, and that the military should temporarily prevail, the fine was unjust and should be refunded with interest. General Jackson did not make his proclamation without first maturely deliberating upon the subject. The act had the sanction of all the distinguished men and patriots of the city, and was even acquiesced in by Judge Hall himself, who upon hearing that martial law had been proclaimed said, "Now the city may be saved, otherwise it will be lost." Another question presents itself. Who was the proper person to decide whether martial law should be proclaimed or not, or when it should cease? Was it the judge of a court,—a man who, history says, "in the hour of danger instead of being found in the ranks of the citizen soldiery, found it convenient to leave the city?" Or was it the General, who had the command of the Army—upon whom rested the responsibility of defending the city? If the martial law was necessary for the defence of the city, then it was necessary that all civil authority, so far as that defence was concerned, should cease. If General Jackson had been bound to obey the writ of *habeas corpus* and to have released such a man as Louillair, who had been publishing articles inviting and encouraging an attack of the enemy, and producing sedition and mutiny in the army, then was the martial law declared in vain. The same circumstances which justified the declaration of martial law, justified its execution in despite of all opposition which might have been interposed by civil magistrates.

Yet General Jackson was fined one thousand dollars because, at the bidding of Judge Hall, he refused to suspend martial law and release

the traitor, Louillair. A majority of your committee are of opinion that General Jackson was justified in imprisoning Louillair and sending the Judge out of the city to prevent his issuing further writs of *habeas corpus*, and that Congress ought to pass a law refunding to him the fine thus improperly imposed, with interest. To sustain Congress in this act, numerous precedents might be cited. Congress refunded the fine imposed upon Matthew Lyon, Dr. Cooper, and others, who were fined under the alien and sedition laws. General Brown was indemnified for a civil judgment recovered against him by a man whom he imprisoned, believing him to be a spy. Your committee have, therefore, instructed me to report back the joint resolution of the House and recommend that it be laid upon the table; and, also, to report back the joint resolution, and recommend the following amendment:

“Strike out all after the word, ‘Louisiana,’ in the 8th line.” And, they further recommend that said joint resolution be passed.

Said joint resolution, No. 2 of the House, mentioned in said report was laid upon the table; and joint resolution No. 1 of the Senate, as mentioned in said report, was reported back.

And before any definite action was had thereon,

The House adjourned until 2 o’clock, P. M.

2 o’clock, P. M.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Whight, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed part 2d of the revision,

No. 67. Of the Senate, entitled “a bill concerning the acquisition, the enjoyment and the transmission of property, real and personal, the domestic relations and other matters connected with private rights;”

In which I am requested to ask the concurrence of the House of Representatives.

And, on motion,

The House adjourned until to-morrow morning, 9 o’clock.

WEDNESDAY MORNING, JAN. 11, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Shoup, of citizens of Franklin county, praying the vacation of a certain alley in the town of Brookville;

Which was referred to a select committee of Messrs. Shoup, Cooley and Millikin.

By Mr. Robinson, of J. P. Dugan and others, citizens of Carroll county, in relation to the assessment of certificates of canal lands;

Which was referred to a select committee of Messrs. Robinson, Carter and Thompson.

By Mr. Leyman, of Jesse and E. L. Beard, praying relief as therein set forth;

Which was referred to the committee on canals and internal improvements.

By Mr. Meeker, of citizens of Fayette county, asking the repeal of a certain act taxing dogs, so far as said county is concerned;

Which was referred to the committee to which other subjects of the same character were referred;

And on motion of Mr. Tingley,

Mr. Meeker was added to said committee.

By Mr. Nees, of Henry Ingle, asking the passage of a law authorizing the school commissioner of Clay county to transfer certain lands as therein named;

Which was referred to a select committee of Messrs. Nees, O'Neal and Norvell.

By Mr. Thompson, of W. T. Hunter, praying his name to be changed to that of W. Todd Hunter;

Which was referred to a select committee of Messrs. Thompson, Prilliman and Swihart.

By Mr. Swihart, of citizens of Miami county, asking the vacation of a certain State road, as therein named;

Also, a remonstrance on the same subject;

Which were referred to the committee on roads.

By Mr. Roberts, of Putnam county, in relation to county and other elections;

Which was referred to the committee on revision.

By Mr. Cuppy, of citizens of Kosciusko county, to exempt the citizens of said county from the provisions of the 3d section of an act to postpone the sale of delinquent lands and lots, approved Dec. 21st, 1842;

Which was referred to a select committee of Messrs. Cuppy, Jackson and Wheeler.

By Mr. Mitchell, of citizens of Lagrange county, praying the vacation of the village of Marion, in said county;

Which was referred to a select committee of Messrs. Mitchell, Flannegan and Wheeler.

By Mr. Prilliman, of citizens of Huntington county, praying that a certain act therein named might be extended to the county of Huntington;

Which was referred to a select committee of Messrs. Prilliman, Hawkins, Cuppy, Thompson and Wheeler.

By Mr. Steele, of citizens of Park county, praying that the business of school commissioner be transacted by township trustees, in congressional township No. 14, in said county;

Which was referred to a select committee of Messrs. Steele, Cuppy and Bales.

By Mr. Nees, two petitions of citizens of Clay county, praying the location of a certain State road therein named;

Which was referred to a select committee of Messrs. Nees, O'Neal, Matheny and Moore of O.

By Mr. Moore, of O., the petition of divers citizens of the county of Owen, praying the location of a certain State road as therein named;

Which was referred to a select committee as first above.

By Mr. Major, of citizens of Clinton and Carroll counties, praying the view of a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Matheny, of citizens of Hancock county, asking the appointment of a superintendent of common schools;

Which was referred to the committee on education.

By Mr. Rose, of citizens of ———, in relation to the White River Bridge on the Michigan road;

Which was referred to a select committee of Messrs. Rose.

Mr. Tingley obtained leave to offer the following resolution:

Resolved, That the use of the Hall be granted this evening, at 6 o'clock, to the friends composing the education convention;

Which was unanimously adopted.

On leave being granted, Mr. O'Neal offered for adoption the following resolution:

Resolved, That the clerk of this House be required to enquire of the State Printer what is the cause of the delay in furnishing this House with the report of the Agent appointed to examine the different Branches of the State Bank, and that he report the cause if any, to this House without delay.

Mr. Dufour moved to amend by striking out from the resolving clause and insert the following:

That the State printer inform this House as soon as possible,

1st. Whether the report of the Examiner of the State Bank and Branches is in whole or in part printed:

2d. If said report or any part thereof so printed, has been delivered to the officers of the State Bank or to any of the Branches, and if so, at what time was the same so delivered to them or either of them:

3d. Whether any overtures, either directly, or indirectly, have been made to him by any of the officers of the Bank or any other person or persons, to detain the report with a view to give them time to make a counter report before the report of the Examiner could be printed and circulated, and if so, what officer of the Bank or other person made said overture:

4th. Whether a copy of said report has or has not been sent to the different Branches of the Bank, or to any particular Branch or any other person or persons, giving the name or names of the Branch or Branches, or person or persons to which the same has been sent;

Which was accepted by the mover, and, as so amended, said resolution was adopted.

Mr. Brown of Dearborn made the following report:

MR. SPEAKER:

The committee on the State Bank, to which the House referred the memorial of John Vawter, setting forth that the Branch Bank at Richmond had refused to give a perfect dollar note for one half of a dollar note,

REPORT,

That the case appears to present matter for judicial rather than Legislative cognizance, but, however this may be, the memorialist does not state that any proof of the destruction of the other half of the divided note, was offered. The committee is informed that rules are prescribed by the directors of the State Bank, for all proper relief in such cases; and pray to be discharged from further consideration of the memorial;

Which report was concurred in, and said committee discharged from the the further consideration of that matter.

Mr. Robinson from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee on the revision of the laws, herewith report a bill entitled as follows:

"Of Public instructions," and recommended its passage;

No. 195. A bill mentioned in said report;

Was read, and on motion was referred to a committee of the whole House and made the order of the day at 2 o'clock, P. M. to day.

On motion of Mr. Stratton,

Mr. Robinson was added to the committee on federal relations.

Mr. Williams, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on the revision to whom was referred a resolution of this House, on the subject of "Disinterring Corpse;"

Also, a resolution on the subject of an amendment of the "practice act," have had the same under consideration, and have instructed me to report legislation on those subjects inexpedient, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged from the further consideration thereof.

Mr. Williams, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred the petition of Jesse Rader and others, on the subject of common schools;

Also, the petition of John Inks and others; on the subject of county and township busines, and various other subjects of Legislation, have had the same under consideration, and have directed me to report the subjects embraced in said petitions are fully and amply provided for, and ask to be discharged from the further consideration thereof;

Which was concurred in, and said committee discharged from the further consideration of those subjects.

Mr. Williams, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on the revision to whom was referred a resolution of the House, on the subject of assessor's fees, have had the same under consideration, and have instructed me to report that the subject matter of said resolution is fully provided for, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and said committee discharged from the further consideration thereof.

Mr. Thompson, from a select committee, reported the following bill:

No. 196. An act concerning the trustees of the Presbyterian Church of Fort Wayne;

Read a first and second times, and referred to the committee on corporations.

Mr. Moore of Owen, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred several petitions of this House on the subject of abolishing the office of county auditor and various other subjects, have had the various subjects under consideration, and have directed me to report a bill on the first subject therein contained and recommend its passage;

No. 197. A bill abolishing the office of county auditor in certain counties therein named;

Read a first and second times; when

The bill was amended, on motion of the several Representatives in their respective districts, by adding the counties of Greene, Steuben, Lawrence, Marion, Putnam, Parke, Orange, Floyd, Union, Dubois, Wabash, Warrick, Boone, Monroe, Johnson, Tippecanoe, Hamilton, Perry, Crawford, Pulaski, Jasper, Brown, Allen, Jennings, Switzerland and Scott.

Mr. Shoup moved to commit the bill with instructions to make it a general law.

And the ayes and noes having been demanded by Messrs. Shoup and Simonson:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Butler of Vanderburgh, Butterfield, Cooley, Dufour, Gorman, Johnson, Marsh, McCormick, Rich, Shoup, Stewart, and Mr. Speaker.—14.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of Rush, Brown of W., Butler of Randolph, Carter, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Leyman, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Wilson and Williams.—78.

So said bill was not ordered to be committed.

Mr. McCormick moved to amend by striking out the specific counties and insert—

That the office of county auditor be, and the same is hereby abolished, and the clerk of the circuit courts shall hereafter do and perform the whole of the duties that are now done and performed by the said county auditors in the several counties in this State.

And the ayes and noes having been demanded by Messrs. Shoup and Brown of Marion:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Butler of Vanderburgh, Butterfield, Cooley, Dufour, Gorman, Hargrove, Johnson, Leyman, Marsh, McCormick, Peak, Rich, Shoup, Sluss and Stewart.—17.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of R., Brown of W., Butler of Randolph, Carter, Chrisman, Claypool, Clements, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Jones, Leslie, Lewis, Lingle, Logan, Lowe, Major, Mathers, Marvin, Meeker, Millikin, Mitchell, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, O'Neal, Osborn, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Simonson, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams and Wilson.—73.

So said amendment did not prevail.

Mr. Shelby moved to strike out the county of Tippecanoe;

Which motion prevailed.

Mr. Tevis moved to suspend the rules that the bill be considered as engrossed and read a third time now.

And the ayes and noes having been demanded by Messrs. Robinson and Shoup:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Marion, Brown of Rush, Brown of White, Chrisman, Claypool, Dufour, Edmonson, Edwards, English, Francis, Fuller, Gilbert Gorman, Hargrove, Hardin, Hodges, Huckaby, Johnson, Jones, Lee, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Simonson, Sluss, Snook, Steele, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Williams.—56.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Carter, Clements, Cooley, Cuppy, Davis of M., Davis of Sullivan, Denny, Flannegan, Foulke, Goodenow, Hiatt, Hillis, Jackson, Leslie, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Myers, Prilliman, Robinson, Rose, Shelby, Shoup, Strain, Stratton, Stewart and Wilson.—36.

So said motion did not prevail.

The question then recurring upon the engrossment of the bill;
And the ayes and noes having been demanded by Messrs. Shoup
and Bowers:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Marion, Brown of Rush, Brown of White, Chrisman, Claypool, Denny, Dufour, Edmonson, Edwards, English, Francis, Fuller, Gilbert, Gorman, Hardin, Hargrove, Hodges, Huckaby, Johnson, Jones, Lee, Leyman, Lingle, Logan, Major, Marsh, Marvin, Matheny, Millikin, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Simonson, Sluss, Snook, Steele, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams and Mr. Speaker.—58.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Carter, Clements, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Flannegan, Foulke, Goodenow, Hawkins, Hillis, Jackson, Leslie, Mathers, McCormick, Meeker, Mitchell, Prilliman, Robinson, Rose, Shelby, Shoup, Stewart, Strain, Stratton and Wilson.—31.

So said bill was ordered to be engrossed for a third reading.

Mr. Wilson moved to reconsider the vote taken on Saturday last on the amendments of the Senate to bill of the House,

No. 52. A bill to provide for the reception of certain treasury notes for county revenue and for other purposes.

And the ayes and noes having been demanded by Messrs. Bradley and Lowe:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Carter, Chrisman, Claypool, Cooley, Dufour, English, Fuller, Gilbert, Goodenow, Hawkins, Hiatt, Johnson, Jones, Lee, Leslie, Lewis, Lowe, Major Matheny, Mathers, Meeker, Nees, Rose, Simonson, Stratton, Summers, Swihart, Tingley and Wilson.—33.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Butler of Vanderburgh, Campbell, Clements, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Edmonson, Edwards, Flannegan, Foulke, Francis, Gorman, Hargrove, Hodges, Huckaby, Jackson, Leyman, Logan, Marsh, Marvin, McCormick, Millikin, Montague, Moore of F., Moore of O., Myers, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor,

Real, Roberts, Robinson, Shelby, Shoup, Sluss, Snook, Steele, Stewart, Strain, Thompson, Wheeler, Whight and Mr. Speaker.—52.

So said motion did not prevail.

Mr. Bradley, on leave granted, reported from the committee on education the following bill:

No. 199. A bill in relation to the keeping the trust funds.

Mr. Henley moved, (Mr. Gorman in the chair,) to recommit the bill back to said committee with instructions to report to the House the old system; but before any definite action was had thereon

The *House* adjourned until 2 o'clock, P: *M.*

2 o'clock, P. *M.*

The House met pursuant to adjournment.

On motion of Mr. Clements,

The regular order of business was suspended, and bill,

No. 171. An act to amend an act subjecting real and personal property to execution was taken up; when,

Mr. Edwards moved to amend by striking out the words, "its fair value" in the third line of the first section and insert "not less than two thirds its appraised value."

Mr. Bradley moved that the House resolve itself into a committee of the whole now on said bill;

And the ayes and noes having been demanded by Messrs. Carter and Edwards:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Marion, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Flannegan, Edwards, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Huckaby, Jones, Lee, Marsh, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Robinson, Shelby, Steele, Stewart, Stratton, Tevis, Thompson, Tingley, Wheeler and Williams.—40.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Rush, Brown of White, Butler of R., Campbell, Carter, Chrisman, Clements, Cooley, Dufour, Edmon-English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hodges, Jackson, Johnson, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Rich, Roberts, Rose, Shoup, Simonson, Sluss, Snook, Strain, Summers, Sumner, Swihart, Whight, Wilson and Mr. Speaker.—56.

So the House refused to go into committee of the whole on said bill.
 Mr. Bradley moved that the bill be indefinitely postponed;
 And the ayes and noes having been demanded by Messrs. O'Neal
 and Shoup:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Chrisman, Claypool, Cuppy,
 Davis of Madison, Hodges, Jones, Lee, Leslie, Marvin, Matheny,
 Meeker, Mitchell, Robinson, Strain, Swihart, and Williams—18.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Marion, Brown of Rush,
 Brown of White, Butler of R., Butler of V., Butterfield, Campbell,
 Carter, Clements, Coffin, Cooley, Davis of S., Denny, Dufour, Ed-
 monson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gil-
 bert, Goodenow, Gorman, Harding, Hargrove, Hawkins, Hiatt, Hil-
 lis, Huckaby, Jackson, Johnson, Lewis, Leyman, Lingle, Logan,
 Lowe, Major, Marsh, Mathers, Millikin, Montague, Moore of Floyd,
 Moore of O., Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak,
 Prilliman, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoup, Simon-
 son, Sluss, Snook, Steele, Stewart, Summers, Sumner, Tevis, Thomp-
 son, Tingley, Whight, Wilson, and Mr. Speaker—75.

So said motion did not prevail.

The question then recurring upon the adoption of Mr. Edward's
 amendment,

And the ayes and noes having been demanded by Messrs. O'Neill
 and Mathers,

Those who voted in the affirmative, were,

Messrs. Bales, Bowers, Bradley, Brown of M., Chrisman, Clay-
 pool, Cooley, Cuppy, Davis of Madison, Denny, Edwards, Flannegan,
 Francis, Goodenow, Hargrove, Hiatt, Huckaby, Jackson, Jones, Lee,
 Lewis, Marvin, Matheny, Meeker, Mitchell, Montague, Robinson,
 Shelby, Shoup, Simonson, Snook, Steele, Strain, Stratton, Summers,
 Sumner, and Swihart—37.

Those who voted in the negative, were,

Messrs. Baker, Brown of Rush, Brown of White, Butler of Ran-
 dolph, Butler of V., Campbell, Carter, Clements, Coffin, Davis of S.,
 Dufour, Edmonson, English, Fuller, Gilbert, Gorman, Harding, Haw-
 kins, Hillis, Hodges, Johnson, Leslie, Leyman, Lingle, Logan, Lowe,
 Major, Marsh, Mathers, McCormick, Millikin, Moore of F., Moore of
 Owen, Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilli-
 man, Proctor, Real, Rich, Roberts, Rose, Sluss, Stewart, Tevis,

Thompson, Tingley, Whight, Williams, Wilson, and Mr. Speaker—55.

So said amendment was not adopted.

Mr. Shoup moved to amend, by striking out the 2nd section, and insert the following:

“That the sheriff, constable, commissioner, or other officer, in whose hands any execution, or order of sale, founded on any judgment or decree may be, shall, at the time be levied on property of any description, proceed to appraise the same according to its fair value, without any additional cost, which value he shall insert in his advertisement. *Provided, however,* that if either the execution plaintiff or plaintiffs, defendant or defendants, their agent or attorney is dissatisfied with such appraisement, he, she, or they may have said property re-appraised, by giving notice to the officer having such execution, who shall proceed to summon two disinterested householders, who shall proceed to make a just and true valuation thereof, in the manner prescribed by the act to which this [is] an amendment. And in case the two appraisers cannot agree upon the value of the property so levied upon, they shall choose a third person, of like qualification; in which case the appraisement of any two of them shall be taken and deemed to be the value of such property; and which appraisement, when made and executed under oath, shall be delivered to the officer making such levy, to be by him returned and filed with the execution or other process under which such levy was made. *Provided, further,* that the cost of the said last mentioned appraisement shall be paid by the party at whose instance such appraisement was made.”

And the ayes and noes having been demanded by Messrs. Lowe and Clements,

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Coffin, Cooley, Cuppy, Davis of M., Francis, Flannegan, Hodges, Jones, Marvin, Matheny, Mathers, Robinson, Shoup, Simonson, Strain, Stratton, Thompson, Williams and Wilson—21.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Madison, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Davis of Sullivan, Dufour, Edmonson, Edwards, English, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, McCormick, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Rose, Shelby, Sluss, Steele, Stewart, Snook, Summers, Sumner, Swihart, Tevis, Tingley, Whight and Mr. Speaker—67.

So said amendment was not adopted.

Mr. Clements moved to strike out the "ninth section," and insert the following:

"The defendant in all cases have the right to give up such property as he may think proper, either real, or personal, *provided* he shall give up a sufficient quantity to pay the debt and costs, reserving to the defendant, such property, or the amount thereof, as is now by law exempt from execution;"

Mr. Norvell moved to amend the amendment by inserting in the fourth line, "such tract or parcel of land shall be in the county for which such execution shall have issued;"

Which was not agreed to.

Mr. Millikin moved the previous question, which was not seconded by the House.

Mr. Norvell moved to amend by striking out of the fourth line of the ninth section, the words "defendant or defendants," and insert "execution creditor or creditors;"

And the ayes and noes having been demanded by Messrs. Norvell and Proctor;

Those who voted in the affirmative were,

Messrs. Bales, Cuppy, Davis of Madison, Davis of Sullivan, Flanagan, Francis, Goodenow, Hardin, Norvell, Strain and Stratton—11.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Edmonson, Edwards, English, Foulke, Fuller, Gilbert, Gorman, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Moore of Owen, Nees, Nelson, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker—75.

So said motion did not prevail.

Mr. Norvell moved to amend by striking out of the 7th line in the 9th section, the words "plaintiff or plaintiffs," and insert the words "defendant or defendants;"

Which was not agreed to.

Mr. Rich moved to amend by striking out in the 9th line in the 9th section, all after the word "defendants," and insert, "one hundred and fifty dollars worth of personal property, as exempt from the selection of the plaintiff or plaintiffs aforesaid, as also, property in value the

sum of one hundred and fifty dollars, which amount the the execution defendant or defendants may claim as exempt from execution;"

And the ayes and noes having been demanded by Messrs. Rich and O'Neal;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Campbell, Carter, Coffin, Flannegan, Francis, Gorman, Hawkins, Hiatt, Hodges, Johnson, Lee, Leyman, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Peak, Rich, Roberts, Robinson, Shelby, Snook, Steele, Stewart, Strain, Sumner, Tevis, Thompson, Tingley and Williams—43.

Those who voted in the negative were,

Messrs. Bowers, Brown of Dearborn, Chrisman, Claypool, Clements, Cooley, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, English, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hillis, Huckaby, Jackson, Jones, Leslie, Lewis, Lingle, Logan, Mathers, Meeker, Mitchell, Montague, O'Neal, Osborn, Proctor, Real, Rose, Shoup, Simonson, Sluss, Stratton, Summers, Swihart, Whight, Wilson and Mr. Speaker—43.

So said amendment was not adopted.

The question then recurring on the adoption of Mr. Clement's amendment;

And the ayes and noes having been demanded by Messrs. Foulke and Clements;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Butterfield, Chrisman, Clements, Edwards, Fuller, Gorman, Hawkins, Hillis, Hodges, Huckaby, Jones, Lee, Leslie, Leyman, Major, Marvin, Matheny, Montague, Moore of Owen, Myers, Nees, Nelson, Peak, Proctor, Robinson, Shelby, Shoup, Sluss, Snook, Strain, Swihart, Tevis, Thompson, Tingley Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Claypool, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Edmonson, English, Flannegan, Foulke, Francis, Goodenow, Hardin, Hargrove, Hiatt, Lewis, Lingle, Logan, Lowe,

Marsh, Mathers, McCormick, Meeker, Millikin, Moore of Floyd, Norvell, O'Neal, Osborn, Real, Rich, Roberts, Rose, Simonson, Steele, Stewart, Stratton, Summers, Sumner, Whight and Mr. Speaker—50.

So said amendment was not adopted.

And on motion,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, JANUARY 12, 1843.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate insists upon its amendment to bill No. 67, of the House of Representatives, entitled an act to amend an act entitled an act to amend an act to incorporate the Liverpool Bridge company.

Mr. Campbell moved that the House insist on its disagreement; Which motion prevailed.

Thereupon, on motion of Mr. Bradley,

The chair appointed Messrs. Bradley and Campbell a committee of free conference on the part of the House.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has insisted on its first and second amendments to the bill of the House of Representatives, entitled:

No. 52. An act to provide for the reception of certain Treasury Notes in payment of county revenue, and for other purposes.

Mr. Bradley moved that the House insist on its disagreement;

Mr. Davis of S. moved to lay said message on the table;

And the ayes and noes having been demanded by Messrs. Wilson and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of Dearborn, Butler of Vanderburgh, Campbell, Clements, Coffin, Cuppy, Davis of Madison, Davis

of Sullivan, Dufour, Edwards, Flannegan, Francis, Gorman, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Lingle, Marvin, Nees, Nelson, O'Neal, Osborn, Prilliman, Proctor, Shoup, Simonson, Sluss, Snook, Steele, Stratton, Summers, Thompson, Wheeler, Williams and Mr. Speaker.—39.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Rush, Brown of White, Butler of Randolph, Carter, Chrisman, Claypool, Cooley, Denny, Edmonson, English, Gilbert, Goodenow, Hardin, Hargrove, Hodges, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Logan, Lowe, Major, Mash, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Norvell, Peak, Rich, Roberts, Rose, Shelby, Stewart, Strain, Sumner, Swihart, Tevis, Tingley, Wilson and Whight—50.

So said motion did not prevail.

The question recurring, will the House insist on its disagreement;

And the ayes and noes having been demanded by Messrs. Norvell and Wilson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Foulke, Francis, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Leslie, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. Chrisman, English, Flannegan, Fuller, Jones, Lee, Lewis, Leyman, Shelby and Simonson—10.

So said motion to insist was decided in the affirmative.

Mr. Wilson moved that a committee of free conference be appointed on the part of the House;

Which motion prevailed.

The Speaker laid before the House the following communication, from the State Printer:

INDIANAPOLIS, JANUARY 12, 1843,

*Hon. T. J. Henley,**Speaker of the House of Representatives :*

Sir: In answer to a resolution of the House, of yesterday, and directed to the State Printers, I have to request you to lay before the House the following facts:

There are now in type 192 pages of Mr. Palmer's Report; and, as near as I can estimate, there are still about 120 pages more to print; which, if there should be no urgent calls to interrupt it, will be in type by Friday, and the whole document printed and ready for delivery by next Saturday or Monday.

In answer to the second inquiry, I will say that James M. Ray, Cashier of the State Bank, (as has been heretofore his practice when documents connected with the affairs of that institution, have been ordered by the Legislature,) gave an order for *twenty extra copies* of the Examiner's Report, for the use of the Bank; the sheets of which, as far as *then* printed, (I am informed by my agent,) were delivered to him about 10 or 12 days since. This fact, I learned for the first time, the day before yesterday; and I am informed by him that, previous to their delivery to Mr. Ray, he consulted Mr. Palmer as to the propriety of doing so, and obtained, as he understood, his acquiescence and assent to it.

No officer or agent of the Bank, or any person for him, has, either orally or in writing, made overtures to me, for the purpose of delaying or procrastinating the printing of this Report, with the view of enabling the Bank to make a counter report, or for any other purpose; nor have I corresponded or conversed with any officer of the institution on this, or any other subject of public concern, from the commencement of the Legislature up to the time of the introduction of the resolution, to which this is a reply.

No copy, or part of a copy, of the Report has been sent by me, or by my order or consent, to any Bank or Branch, or Bank officer or agent, with the exception of the 20 extra copies above stated; but there have been copies delivered to the following gentlemen:

To Ethan A. Brown, of the House,	-	6 copies.
— Bradley, of the House,	-	1 copy.
N. Claypool, of the House,	-	1 copy.
James Collins, of the Senate,	-	1 copy.
Wm Wright, of the Senate,	-	1 copy.
N. B. Palmer, Examining Agent,	-	1 copy.

From an impression that there existed no necessity for keeping documents, of a public nature, going through the press, *a secret* (unless where express instructions are given to the contrary,) it has never been the custom of the State Printers to refuse to members, or to others interested in, or entitled to them, copies of documents, as fast as printed, when called for, and good reasons assigned.

I believe, sir, all practical men will bear me out in the assertion, that the public printing of this State was never executed better, or with more promptitude and despatch, than at the present time; but it is with printing, as with every other business of life, where *many* things have been done, a *portion* of them must necessarily be done last. The *only* cause for the delay in printing this document, is its great length, and an impression, (perhaps erroneous,) that the current printing of the day, (where positive orders are not given,) should have the preference over voluminous and heavy reports. The press-work on this document, alone, is sufficient to occupy two presses 40 days. The ordinary printing, it will be observed, is generally printed and delivered in a day or two after it is ordered; and there is very little, if any, of it now in the hands of the printers.

To execute heavy jobs of printing with greater despatch than is now done, would require the employment of extra hands, whose wages, employed or idle, would be constantly going on and accumulating. This would require an outlay of money, which the very low price paid for the public printing would not justify; and which, when taken in connection with the loss sustained on the depreciated medium in which it is paid for, reduces his compensation to almost journeyman's wages.

I mention these things, to show the House that the supposed tardiness of my action, as it respects the printing of this Report, may be justly ascribable to *other* causes than a dishonorable or corrupt collusion with the Bank or its agents.

Whenever, however, a document is in a particular hurry, I shall always take pleasure, if so requested by the clerk, to place the whole force of the office upon it, and hurry it through the press with all possible despatch.

With great respect,

Your obedient servant,

JOHN DOWLING,

For Dowling & Cole, State Printers.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency the Governor to inform the House of Representative, that on the 10th inst. he approved and signed the following act:

No. 177. An act fixing the time of holding courts in the 11th judicial circuit.

Also, the following joint resolution:

No. 51. A joint resolution in relation to postage on newspapers, pamphlets, &c.

Both of which originated in the House of Representatives.

PETITIONS PRESENTED.

By Mr. Millikin :

The petition of George W. Lane, requesting the Legislature to pass a law, authorizing the Treasurer of State to enter satisfaction of a certain mortgage therein named ;

Which was referred to the committee of ways and means.

By Mr. Bowers :

The petition of Benjamin Danford and others, relative to the Napoleon and Lawrenceburgh turnpike company ;

Which was referred to the same select committee to which a similar one has heretofore been referred.

By Mr. Dufour :

The petition of William Patton and others, of Switzerland county, praying the incorporation of the Vevay band ;

Which was referred to a select committee of Messrs. Dufour, Bowers, and Millikin.

By Mr. Prilliman, the petition of Smith Lounsberry, asking the privilege of erecting a mill dam across the Salamonie river ;

Which was referred to the judiciary committee.

By Mr. Chrisman, the petition of Isaac Morgan and others of Boon county, in relation to the road law :

Which was referred to the committee on roads.

By Mr. Hargrove, the petition of J Smith, praying for relief ;

Which was referred to the committee on education.

By Mr. Prilliman, two petitions, one from J. Bobb and others, the other from David Adams and others, praying the location of certain state roads as therein named ;

Which were referred to the committee on roads.

By Mr. Matheny, the petition of Bright Pruitt and others of the county of Morgan, asking the repeal of a certain law therein set forth ;

Which was read and referred to the committee on roads.

Mr. Bradley asked leave to introduce a resolution.

The question then recurring upon the reception of said resolution,

And the ayes and noes having been demanded by Messrs. Moore of O. and Davis of S.,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cuppy, Davis of Madison, Edwards, Flanagan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague Proctor, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Wilson, and Mr. Speaker.—41.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Carter, Chrisman, Clements, Cooley, Davis of Sullivan, Denny, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Marsh, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, O'Neill, Osborn, Peak, Prilliman, Real, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Tingley, Wheeler, Whight, and Williams.—51.

So the House refused to receive said resolution.

Mr. Rich, on leave granted, introduced the following bill:

No. 200. A bill to legalize the election of the trustees of the Jennings county library;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hillis, on leave granted, introduced,

No. 201. An act concerning liens upon judgments and other purposes;

Read a first and second times and referred to the judiciary committee.

Mr. Lingle, on leave granted, offered the following resolution for adoption:

Resolved, That the Auditor of State be required to furnish as soon as practicable, the report of the agent of the Vincennes and New Albany McAdamized road, together with all other information in his possession, for the use of the select committee appointed to investigate the official conduct of said agent.

Which was adopted.

Mr. Edwards, on leave granted, offered for adoption the following resolution:

Resolved, That the use of this Hall be granted to the Rev. E. B. Man for the purpose of delivering four theological lectures; to be delivered on Friday and Saturday evenings, at six o'clock, P. M.; and on Sunday at eleven o'clock, A. M., and six o'clock, P. M., the thirteenth, fourteenth, and fifteenth, inst.

Mr. Moore of O. moved to amend said resolution by striking out the word "four" in the third line and insert the word "one" in lieu thereof.

Mr. Robinson moved the previous question,

Which was seconded by the House.

The main question on the adoption of the resolution was then had;

And the ayes and noes having been demanded by Messrs. Moore of O. and Whight,

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Dufour, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Gorman, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jones, Leslie, Leyman, Lowe, Marvin, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Myers, Nelson, Norvell, O'Neill, Peak, Prilliman, Proctor, Rich, Robinson Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams, Wilson, and Mr. Speaker.—72.

Those who voted in the negative were,

Messrs. Davis of Sullivan, Edmonson, Goodenow, Hargrove, Jackson, Johnson, Lee, Lewis, Lingle, Logan, Major, Marsh, Matheny, Moore of Floyd, Moore of Owen, Nees, Osborn, Real, Roberts, Strain, Wheeler, and Whight.—22.

So said resolution was adopted,

On motion of Mr. Hodges,

No. 9. A bill to authorize the exchange of Treasury Notes,
Was taken from the table and ordered to be engrossed.

On motion of Mr. Roberts,

No. 108. A bill to reduce the expenses of the several counties in this State, and for selecting petit jurors therein,
Was taken from the table and placed on the files.

On leave granted, Mr. Robinson offered for adoption the following resolution:

Resolved, That the rule of this House which requires it to adjourn over each Tuesday and Friday afternoon be, and the same is hereby, suspended.

Which was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Davis of S., chairman of the committee on ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred No 160, a bill to provide for receiving state scrip for Wabash and Erie Canal lands east of Tippecanoe river, have had the same under consideration and have directed me to report it back to the House without amendment and recommend its passage.

Bill No. 160, in said report mentioned was reported back and,

On motion of Mr. Rich,

Laid on the table.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House,

No. 128. Entitled a bill to provide for the election of Prosecuting Attorneys by the people, have had that subject under consideration, and have directed me to report the same back to the House and recommend that it be indefinitely postponed.

Bill No. 128, in said report mentioned was reported back.

And the question recurring upon concurring in the report of the committee;

The ayes and noes were demanded by Messrs. Bradley and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of Marion, Brown of R., Carter, Chrisman, Claypool, Clements, Davis of M., Denny, Dufour, Edmonson, Foulke, Goodenow, Hardin, Hargrove, Hiatt, Hillis, Hodges, Lee, Leslie, Lingle, Logan, Lowe, McCormick, Montague, Nees, O'Neal, Real, Strain, Summers, Whight, Wilson and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of W., Butler of R., Butler of V., Butterfield, Campbell, Cooley, Cuppy, Davis of S., Edwards, English, Francis, Gilbert, Gorman, Hawkins, Huckaby, Lewis, Major, Marsh, Marvin, Meeker, Millikin, Moore of F., Moore of O., Myers, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and Williams.—50.

So the House refused to concur in said report.

Mr. Brown of M. moved to refer said bill to the committee on revision.

Mr. Whight moved that it be indefinitely postponed until the first Monday in June next;

And the ayes and noes having been demanded by Messrs. Whight and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Marion, Carter, Chrisman, Clements, Davis of Madison, Edmonson, Hardin, Hillis, Hodges, Johnson, Jones, Lee, Leslie, Lingle, Logan, Montague, O'Neal, Roberts, Strain, Summers, Whight, Wilson and *Mr. Speaker*.—26.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Rush, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hiatt, Huckaby, Jackson, Lewis, Leyman, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Mitchell, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Real, Rich, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Stratton, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and *Williams*.—65.

So said bill was not so postponed.

Mr. Brown of Marion moved to strike out the fifth section of said bill.

Mr. Bradley moved to amend by inserting the words, "President Judge of the circuit, or Supreme Judge;"

Which amendment was adopted.

Mr. Gorman offered to amend as follows:

Nothing herein contained shall prevent the present incumbents from holding the office of Prosecutor during the term for which they have been elected.

The question then recurring on *Mr. Brown's* motion to strike out the fifth section;

Which motion did not prevail.

Mr. Brown of Marion moved further to amend as follows:

Strike out of the 6th section the following:

For each indictment found and prosecuted to a verdict of not guilty, the sum of one dollar and fifty cents, to be paid by the county in which said prosecution shall take place.

And the ayes and noes having been demanded by *Messrs. Bradley* and *Nees*:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Butterfield, Carter, Chrisman, Clements, Cuppy, Davis of M., Davis of Sullivan, Dufour, Edmonson, Edwards, English, Foulke, Goodenow, Gorman, Hardin, Hiatt, Hillis, Hodges, Johnson, Jones, Leslie, Logan, Lowe, Major, Marsh, Mathers, Meeker, Montague, Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn,

Roberts, Rose, Shelby, Sluss, Snook, Steele, Stratton; Summers, Swihart, Tevis, Whight, Wilson and Mr. Speaker.—51.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Brown of White, Campbell, Claypool, Coffin, Cooley, Denny, Flannegan, Francis, Gilbert, Hargrove, Hawkins, Huckaby, Jackson, Lee, Lewis, Leyman, Lingle, Matheny, Millikin, Mitchell, Moore of F., Prilliman, Proctor, Real, Robinson, Shoup, Simonson, Thompson, Tingley, Wheeler, and Williams.—33.

So said amendment was adopted.

Mr. Lowe moved to definitely postpone the bill until the first Monday in August next.

And the ayes and noes having been demanded by Messrs. O'Neal and Bradley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of R., Campbell, Carter, Chrisman, Clements, Davis of Madison, Dufour, Foulke, Hardin, Hillis, Hodges, Huckaby, Jackson, Jones, Leslie, Lingle, Logan, Lowe, Matheny, Montague, O'Neal, Roberts, Robinson, Strain, Stratton, Steele, Summers, Tevis, Whight, Wilson and Mr. Speaker—34.

Those who voted in the negative were,

Messrs Bales, Bowers, Bradley, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cooley, Cuppy, Davis of Sullivan, Denny, Edwards, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hawkins, Hargrove, Hiatt, Lee, Lewis, Leyman, Major, Marvin, McCormick, Meeker, Millikin, Mitchell, Moore of F., Nees, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Real, Rich, Rose, Shelby, Shoup, Simonson, Sluss Snook, Stewart, Sumner, Swihart, Thompson, Tingley, Wheeler, and Williams.—55.

So said bill was not so postponed.

Mr. Brown M. moved further to amend the bill by striking out that part which provides for the payment of all fees out of the county treasury, when the same cannot be made of the defendant.

Mr. Bradley moved to strike out section 6th and insert the following:

That each Prosecuting Attorney shall be allowed for each days necessary attendance on the courts in the performance of his duty the sum of \$8 00, to be paid by the county.

Mr. Hillis moved to amend Mr. Bradley's amendment by striking out \$8 and insert \$5.

Mr. Roberts, by striking out \$8 and insert \$3.

Mr. Davis of Madison, by striking out \$3 and insert fifty cents.

The question then recurring upon Mr. Hillis's proposition;

Which was negatived.

Then on Mr. Roberts' motion;

Which was also negatived.

Then on Mr. Davis's;

Which was in like manner negatived.

Mr. Edmonson moved to lay the bill and amendment on the table;

And the ayes and noes having been demanded by Messrs. Gorman and Meeker;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Campbell, Carter, Chrisman, Clements, Cuppy, Davis of Madison, Dufour, Edmonson, Edwards, English, Fuller, Hardin, Hodges, Huckaby, Jackson, Johnson, Jones, Leslie, Lingle, Logan, Matheny, Montague, O'Neal, Osborn, Real, Roberts, Steele, Strain, Stratton, Summers, Swihart, Whight, Wilson and Mr. Speaker—41.

Those who voted in the negative were,

Messrs. Bradley, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cooley, Davis of Sullivan, Denny, Flannagan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hiatt, Hillis, Lee, Lewis, Leyman, Major, Marsh, Marvin, McCormick, Meeker, Millikin, Mitchell, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, Peak, Prilliman, Proctor, Rich, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Sumner, Swihart, Thompson, Tingley, Wheeler and Williams—52.

So said motion did not prevail.

The question recurring on Mr. Bradley's amendment;

When Mr. Robinson moved the previous question;

Which was seconded by the House.

The question then put, was, shall the main question be now put?

Which was decided in the affirmative.

The question then recurring upon the engrossment of the bill;

And the ayes and noes having been demanded by Messrs. Bradley and Whight;

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Davis of Sullivan, Denny, Edwards, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Hucka-

by, Lee, Lewis, Leyman, Lowe, Major, Marsh, Marvin, McCormick, Mitchell, Moore of Floyd, Nelson, Norvell, Peak, Prilliman, Proctor, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Stewart, Sumner, Swihart, Thompson, Tingley and Wheeler—44.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of Madison, Dufour, Edmonson, English, Flannegan, Foulke, Francis, Fuller, Gorman, Hardin, Hodges, Jackson, Johnson, Jones, Leslie, Lingle, Logan, Matheny, Meeker, Montague, Moore of Owen, Nees, O'Neal, Osborn, Real, Rich, Roberts, Simonson, Steele, Strain, Stratton, Summers, Tevis, Whight, Wilson and Mr. Speaker—47.

So said bill was not ordered to be engrossed.

Mr. O'Neal, a member of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred the petition of Cooper & Buchanan, contractors on section No. 1, South of the Cross Cut canal, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. O'Neal, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred the petition of J. Vigus and others, citizens of Cass county, praying the repeal of the 5th section of an act, providing means to construct that portion of the Wabash and Erie canal within the State of Indiana, approved Jan. 28, 1830, have given the subject referred to, a careful examination, and have directed me to report that in the opinion of the committee it would be very impolitic to grant the prayer of the petitioners, and ask to be discharged from the further consideration thereof;

Which was read and concurred in.

Mr. Clements, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred sundry petitions from contractors on the Madison and Indianapolis railroad, together with a joint resolution, No. 139, entitled a "joint resolution to provide for the liquidation and payment of the remaining contractors," have had those several matters under consideration, and directed me to report the said joint resolution back to the House with one amendment, strike out from the resolving clause, and insert:

No. 139. "A joint resolution to provide for the liquidation and payment of the contractors on the Madison and Indianapolis railroad;"

Mr. Hodges dissents from the above;

Said resolution was, on motion of Mr. Edmonson, laid on the table.

Mr. Gorman, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on revision to which that subject has been referred, report the following: first, "of the taking up of animals going astray, and water crafts and other articles of value adrift."

And, on motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from G. W. Branbar, Secretary of the Vernon Savings Institute;

Which was referred to the committee on the State Bank.

Also, the following communication from M. Morris, Auditor of State:

AUDITOR'S OFFICE, }
Jan., 6, 1843. }

TO HON. THOS. J. HENLEY,

Speaker of the House of Representatives:

SIR: In answer to a resolution of the House asking what amount of canal land scrip, which has been made, and is now receivable in payment for principal and interest due on canal lands east of the Tippecanoe river, has been issued on account of work or repairs done upon the said canal, west of Tippecanoe, I have to report:

That this office affords no means of ascertaining the amount expended between those points in those particular funds; the Commissioners report the expenditures for the *whole line east of Lafayette*; but as to the proportion of the expenditures on any particular part of the line, their returns do not show. The books of the acting Commissioner would show how much each section cost, but the acting Commissioner, Mr. Fisher, informs me that he could not tell how much of this or any other description of funds was expended between the points named in the resolution; or between any other given points on the line, as the superintendent of repairs in his reports to the Commissioner makes no such distinction. He, however, thinks that at least \$10,000 of the Wabash and Erie Canal scrip, (east of Tippecanoe,) has been expended between the mouth of Tippecanoe river and Lafayette.

Respectfully submitted.

M. MORRIS, A. P. A.

Also the following communication from the same gentleman:

AUDITOR'S OFFICE, }
Jan. 12, 1843. }

TO HON. THOS. J. HENLEY,

Speaker of the House of Representatives:

SIR: In the Indiana State Sentinel of yesterday, I observe a report purporting to be from the joint committee on the State Library, in relation to the defalcation of William J. Brown, late State Librarian, in which the committee have censured the Auditor for the *manner* of keeping the accounts of his office, or for culpable negligence upon the part of that officer in carrying that system into effect," and for "unwarrantably and unjustifiably auditing the account of W. W. Reed." As I am conscious that my books are correct, and that the account of Mr. Reed was audited according to law and justice, from the evidence before me; of which I could have satisfied the committee if they had examined my office. I have to ask of the House of Representatives, that a committee be appointed for that purpose with power to send for persons and papers, and to make such examination of the books and vouchers of my office as will enable them to report the true condition of the whole matter.

I am, respectfully, sir,

Your obedient servant,

M. MORRIS, A. P. A.

Mr. Thompson moved that it be referred to a select committee.

Mr. Edmonson moved to lay it on the table;

But before any action was had thereon,

On motion of Mr. Shoup,

A call of the House was ordered;

When the clerk proceeded to call the roll it appeared that the absentees were Messrs. Fuller, Gilbert, Hargrove, and Moore of F.; and,

On motion of Mr. Roberts,

The further call of the House was suspended.

The question then recurring upon Mr. Edmonson's motion,

And the ayes and noes having been demanded by Messrs. Tingley and Rich,

Those who voted in the affirmative were,

Messrs. Baker, Brown of W., Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Dufour, Edmonson, English, Gorman, Johnson, Jones, Lewis, Leyman, Major, Marsh, McCormick, Myers, Nees, Nelson, O'Neal, Peak, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, and Mr. Speaker.—31.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Goode now, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Leslie, Logan, Lowe, Marvin, Matheny, Mathers, Meeker, Millikin, Mitchell, Montague, Moore of Owen, Norvell, Osborn, Prilliman, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams and Wilson.—53.

So said motion did not prevail.

Mr. Lowe moved to refer it to the committee of ways and means;

And the ayes and noes having been demanded by Messrs. Bradley and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Wheeler, Whight and Mr. Speaker.—45.

46

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements Coffin, Davis of Madison, Denny, Edwards, Flannegan,

negan, Foulke, Francis, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Prilliman, Proctor, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams and Wilson.—43.

So said communication was not so referred.

On motion of Mr. Hillis,

Leave of absence was granted to Mr. Real.

The standing rules of business were suspended on motion of Mr. Edwards; when bill,

No. 143. A bill to divide the State into Congressional districts, was, on motion of Mr. Bradley, laid on the table.

Mr. Davis of Sullivan, on leave granted, introduced bill,

No. 202. A bill to provide for the sale of lands mortgaged to the sinking fund, and for other purposes;

Read a first and second times and referred to the committee on revision.

No. 168. An act for the relief of Zera Sutherland;

Read a second time; when,

Mr. Clements moved to amend as follows:

The Auditor shall issue his warrant for the amount found to be due on the Treasurer, who shall pay the same out of any money that may be in the Treasury, accruing from the suspended debt;

Which was adopted.

Mr. Norvell moved to indefinitely postpone the bill;

And the ayes noes having been demanded by Messrs. Norvell and Proctor:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Rush, Butler of Randolph, Campbell, Cooley, Denny, Dufour, Edmonson, Edwards, Hargrove, Hodges, Huckaby, Leslie, Lewis, Logan, Lowe, Major, Meeker, Montague, Moore of Owen, Nees, Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss, Steele, Stratton, Whight and Wilson.—34.

Those who voted in the negative were,

Messrs. Bradley, Brown of D., Brown of M., Brown of W., Butler of V., Butterfield, Carter, Coffin, Cuppy, Davis of Madison, Flanagan, Gilbert, Gorman, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leyman, Lingle, Marsh, Marvin, Matheny, McCormick, Myers, O'Neal, Prilliman, Robinson, Rose, Shelby, Shcup, Snook, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams and Mr. Speaker.—44.

So said motion did not prevail.

The question then recurring upon the adoption of *Mr. Clements'* amendments;

And the ayes and noes having been demanded by *Messrs. Gorman and Clements:*

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Clements, Coffin, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Foulke, Francis, Fuller, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis Lingle, Logan, Lowe, Millikin, Moore of O., Nees, Nelson, O'Neal, Osborn, Prilliman, Proctor, Roberts, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Summers, Sumner, Tevis, Tingley, Whight, Williams and Mr. Speaker.—63.

Those who voted in the negative were,

Messrs. Baker, Bowers, Butler of Randolph, Butterfield, Davis of M., Flannegan, Leyman, Major, Marsh, Mathers, McCormick, Meeker, Myers, Robinson, Stewart, Stratton, Swihart, Thompson and Wilson.—19.

So said amendment was adopted.

The question then recurring upon the engrossment of the bill;

And the ayes and noes having been demanded by *Messrs. Moore of Owen and Bradley:*

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Brown of White, Campbell, Carter, Chrisman, Clements, Cuppy, Davis of Madison, Davis of Sullivan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leyman, Lingle, Marsh, Marvin, McCormick, Millikin, Mitchell, Nees, O'Neal, Prilliman, Rich, Rose, Shelby, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker.—44.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of D., Brown of Rush, Butler of R., Butler of Vanderburgh, Butterfield, Coffin, Cooley, Denny, Dufour, Edmonson, Edwards, English, Flannegan, Hargrove, Hodges, Huckaby, Leslie, Lewis, Logan, Lowe, Major, Meeker, Montague, Moore of O., Myers, Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Robinson, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Whight and Williams.—42.

So said bill was ordered to be engrossed.

No. 167. A bill to divorce Janet Mulloy from her husband James Mulloy;

Read a second time and ordered to be engrossed.

No. 191. A joint resolution authorizing the Treasurer of State to contract for a loan sufficient to meet the current expenses of the fiscal year;

Read a second time, when Mr. Gorman moved to lay it on the table;

And the ayes and noes having been demanded by Messrs. Brown of R., and Gorman;

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of Marion, Brown of White, Butler of Randolph, Butler of V., Butterfield, Campbell, Chrisman, Claypool, Cooley, Davis of Sullivan, Denny, Dufour, English, Foulke, Gilbert, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Jones, Lewis, Logan, Major, Marvin, Matheny, Mathers, McCormick, Meeker, Mitchell, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Roberts, Robinson, Shoup, Simonson, Sluss, Steele, Stewart, Strain, Stratton, Sumner, Thompson, Tingley, Whight, Williams and Mr. Speaker.
—61.

Those who voted in the negative were,

Messrs. Bales, Brown of Dearborn, Brown of Rush, Carter, Clements, Coffin, Cuppy, Davis of Madison, Edmonson, Edwards, Flannegan, Francis, Goodenow, Huckaby, Jackson, Lee, Leslie, Leyman, Lingle, Marsh, Lowe, Millikin, Montague, Prilliman, Rose, Shelby, Swihart, Tevis, Wheeler and Wilson—29.

So said resolution was laid on the table.

No. 164. A joint resolution for the relief of Joseph H. Hendricks;

Read a second time, when Mr. Gorman moved to amend as follows:

“Which certificates shall bear interest from date until paid;

Which amendment was adopted.

Mr. Moore of Owen moved to amend by striking out the words “State Treasury” whenever it occurred;

And the ayes and noes having been demanded by Messrs. Moore of O. and Huckaby;

Those who voted in the affirmative were,

Messrs. Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Cooley, Denny, Dufour, Edmonson, Edwards, Foulke, Hargrove, Hodges, Huckaby, Leslie, Lewis, Lingle,

Logan, Lowe, Major, Moore of Owen, Nelson, Norvell, Osborn, Peak, Prilliman, Roberts, Simonson, Sluss, Snook, Steele, Strain, Stratton, Sumner, Whight and Wilson—35.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Davis of Madison, English, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Hillis, Johnson, Jones, Lee, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Myers, O'Neal, Rich, Robinson, Rose, Shelby, Shoup, Stewart, Summers, Swihart, Tevis, Tingley, Williams and Mr. Speaker—46.

So said amendment was not adopted.

The question then recurring upon the engrossment of the bill;

And the ayes and noes having been demanded by Messrs. Whight and Hodges;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Vanderburgh, Campbell, Carter, Claypool, Clements, Coffin, Davis of M., Denny, English, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leyman, Major, Marvin, Matheny, Mathers, McCormick, Millikin, Mitchell, Montague, Myers, O'Neal, Proctor, Rich, Robinson, Rose, Shelby, Shoup, Steele, Stewart, Sumner, Swihart, Tevis, Tingley and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Butterfield, Cooley, Dufour, Edmonson, Edwards, Foulke, Hargrove, Hodges, Huckaby, Leslie, Lewis, Lingle, Logan, Lowe, Meeker, Moore of Owen, Nelson, Norvell, Osborn, Peak, Roberts, Simonson, Sluss, Snook, Strain, Stratton, Summers, Whight, Williams and Wilson—32.

So said bill was ordered to be engrossed.

Mr. Henley moved (Mr. Lowe in the chair) to suspend the rules, that the bill be considered as engrossed, and read a third time now;

And the ayes and noes having been demanded by Messrs. Whight and Hodges;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Madison, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool,

Clements, Coffin, Davis of M., English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Hillis, Johnson, Jones, Lee, Marvin, Matheny, Mathers, McCormick, Millikin, Mitchell, Montague, O'Neal, Rich, Robinson, Rose, Shelby, Shoup, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Tingley and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Butterfield, Cooley, Denny, Dufour, Edmonson, Edwards, Foulk, Hargrove, Hodges, Huckaby, Jackson, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Meeker, Moore of Owen, Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss, Snook, Strain, Stratton, Whight, Williams and Wilson—37.

So said motion prevailed.

The question then put was, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Rich and Gorman;

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Brown of W., Butler of V., Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Davis of M., English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leyman, Marvin, Matheny, Mathers, McCormick, Millikin, Montague, O'Neal, Rich, Robinson, Rose, Shelby, Shoup, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Tingley, Williams and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Baker, Brown of R., Butterfield, Cooley, Denny, Dufour, Edmonson, Edwards, Foulke, Hargrove, Hodges, Huckaby, Leslie, Lewis, Lingle, Logan, Lowe, Meeker, Moore of O., Nelson, Norvell, Osborn, Peak, Roberts, Simonson, Sluss, Snook, Strain, Stratton, Whight and Wilson—31.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Norvell, on leave granted, introduced bill,

No. 203. An act amendatory to an act, entitled an act appointing commissioners to locate and relocate State roads therein named and for other purposes;

Which was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gorman asked that leave be granted to certain contractors to withdraw their claims ;

Which was not granted.

And on motion,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, JANUARY 13, 1843.

The House met pursuant to adjournment.

The Speaker announced the following a committee of conference on the part of the House, on the disagreement of certain amendments of the Senate, to bill No. 52, to-wit: Messrs. Wilson, McCormick and Robinson.

PETITIONS AND REMONSTRANCES PRESENTED.

By Mr. Simonson :

Remonstrance of James McKinley and others, citizens of Clark county, against any change in the county boundary ;

Which was referred to the committee on county boundaries.

By Mr. Swihart :

The petition of citizens of Wabash county, asking the incorporation of a certain bridge company, on the Wabash river, at Lagro :

Which was referred to a select committee, of Messrs. Swihart, Prilliman, and Thompson.

By Mr. Millikin :

Of citizens living on a certain State road, leading from Lawrenceburgh to Indianapolis, praying certain amendments to the charter of the turnpike company, as therein named ;

Which was referred to a select committee of which a similar petition heretofore was referred.

By Mr. Hawkins :

Of John P. Campbell and others, praying the location of a certain State road therein named ;

Which was referred to a select committee of Messrs. Hawkins, Butler of R., and Gilbert.

Mr. Carter asked leave to withdraw from the files the petition of David Leeds and others ;

Which was granted.

PETITIONS PRESENTED.

By Mr. Legan :

Of citizens of Washington county, asking relief as therein set forth ;

Which was referred to a select committee of Messrs, Logan, Baker, and English.

By Mr. Butler of V.:

Of Daniel Hutchinson and others, asking the repeal of a certain law, so far as the county of Vanderburgh is concerned ;

Which was referred to a select committee of Messrs. Butler of V., Huckaby, and Lee.

On motion of Mr. Moore, of F.,

The rules of the House were suspended, and bill No. 95, an act to appoint commissioners to determine the boundaries between the counties of Floyd and Clark, was taken up,

When Mr. Moore of F., moved to refer the same to the select committee on county boundaries, with the following instructions :

Strike out the first and second sections, and insert the two following :

Sec. 1. That Elisha G. English, of Scott county, Ezekiel D. Logan, of Washing county, and Henry Kinzer, of Harrison county, be, and they are hereby appointed commissioners to settle and determine that portion of the boundary line between the counties of Clarke and Floyd, which lies between the points following, to-wit: commencing at a point on the south line of Washington county, at the corners of sections 13, 14, 23, and 24, in town one south, range four east; thence east with the Washington county line, until it strikes the summit of the Silvercreek *knobs*; thence southwardly with the extreme height of said knobs, to a point where the extended sectional line dividing sections 24 and 25, in township one south, in range four east, strikes the summit of said knobs.

Sec. 2. Said commissioners, after having been notified of the passage of this act, and having taken an oath, faithfully and impartially to perform the duties required of them by this act, shall, on the first Monday of April next, or as soon thereafter as may be practicable, proceed to the point of commencement, as set forth in the first section of this act; and if upon examination, they can locate and determine said boundary by section lines, so that no loss of territory or citizens shall happen to either county, they shall so determine it, if upon examination, said commissioners shall find, that by the adoption of sectional lines will reduce the territory of either county from what would be its contents, by running a line with the summit of the knobs, they shall then survey and mark said boundary, by a line on said summit, between the points aforesaid.

Mr. Simonson moved further to instruct the committee as follows :

"Commence at the corner of sections No. 23, 24, 25, and 26, in town No. 1, south of range No. 4, east; thence east with the section line dividing sections 24 and 25, in said town No. 1, south of range

No. 1, south of range No. 4 east, with said section line, to the Illinois Grant line, in the county of Clark; thence with said Illinois Grant line, south 40 degrees east, to Silvercreek, in said grant on the south side of lot No. 66; thence down said creek with the meanders thereof, on the west side of the same, to the mouth thereof."

The question then recurring upon the reference as moved by Mr. Moore of F., together with the instructions;

Which was agreed to.

The following message was received from the Senate, by Mr. Heriman, a member:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House, No. 82, entitled an act relative to the water power at Northport, Noble county, with two amendments, in which the concurrence of the House is respectfully requested.

Said amendments, in said message mentioned, were concurred in by the House.

The following message of the Senate was received by Mr. Maquire, their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has adopted the following resolution, viz:

Resolved, By the Senate, (the House of Representatives concurring,) that the resolution heretofore adopted, adjourning each House of this General Assembly, on Tuesday and Friday afternoons, for the action of the several committees, be, and the same is hereby suspended.

Mr. Brown of Marion, chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to which was referred a bill, No. 179, for the relief of Harman Warram, of Hancock county, have had that subject under consideration, and have directed me to report the same back, and recommend its passage.

Said bill, No. 179, was reported back, read a second time, and ordered to be engrossed.

Mr. Goodenow, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred the

petition of sundry purchasers of Saline lands, have instructed me to report, that a bill has already passed this House, granting all the privileges asked for in this petition. The committee therefore ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Tingley, a member of the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred the petition of sundry citizens of Perry county, praying the abolishment of capital punishment in this State, have had the same under consideration, and instructed me to report legislation on that subject inexpedient, and ask to be discharged from the further consideration of said subject.

Which was read and concurred in.

Mr. Brown of Marion, chairman of the judiciary committee, reported the following bill :

No. 204. A bill for the relief of certain persons therein named ;
Read a first time and passed to a second reading.

Mr. Dufour, a member of the committee of ways and means, made the following report :

MR. SPEAKER :

The committee of ways and means, to whom was referred the petition of sundry citizens of Parke county, on the subject of reducing the pay of members of the General Assembly, and the salaries of officers of State, have had the subject matter of said petition under consideration, in accordance with the prayer of said petitioners, and the committee having at this time a bill regulating the fees and salaries of officers, under consideration, and which will make ample provision for the reduction of the pay of members of the Legislature and officers of State, the committee ask to be discharged from the further consideration of said petition ;

Which was read and concurred in.

Mr. Robinson, a member of the committee on canals and internal improvements, reported bill,

No. 205. An act to amend an act entitled, "an act to authorize the leasing of water power at the town of Pittsburgh, and for other purposes, approved, Jan. 31st, 1842."

Read a first time and passed to a second reading on to-morrow.

Mr. Robinson, from the judiciary committee, made the following report:

MR. SPEAKER :

The said committee to whom was referred the petition of sundry citizens of Carroll county in relation to the valuation law, and in re-

lation to the jurisdiction of township officers in certain cases, have had that petition under consideration and have directed me to report that as to that part of the said petition which refers to the valuation law, that subject is already before this House in a bill containing the most beneficent provisions, and which, if it becomes a law, will protect the creditor to a greater extent than that petition prays for. And as to so much of said petition as refers to township officers, the committee have directed me to report the following bill and recommend its passage: bill,

No. 206. An act to extend the jurisdiction of justices of the peace and constables in certain cases therein named;

Read a first time and passed to a second reading on to-morrow.

Mr. Carter asked leave of the House to withdraw from the files of the House, the papers and claims of Joseph Cooper;

Which was not granted.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the petition of Jesse Beard and Elias L. Beard asking for damages of the State on their contract on the Wabash Canal west of the mouth of Tippecanoe, on section No. five; which contract, it appears, was made between the State and one Joseph Riner on the 7th June, 1839, and afterwards assigned to said petitioners, who suspended their operations on said canal under the law of the year 1839, and never attempted to complete said contract, but seemingly abandoned it.

But immediately after the passage of the law of the last session, in relation to the continuance of the Wabash and Erie Canal, these gentlemen commenced work under their old contract, expecting, as your committee are unanimously satisfied, to get their pay from the canal scrip, issued on the sales of the said canal lands, and now acknowledge that they have received pay for the whole of their work in such canal scrip, but protesting that they would thereafter ask the State to make up the depreciation on said scrip. Your committee see no just reason to grant their prayer.

Your committee believe that the State ought not, therefore, to be held responsible for the loss that these contractors may have sustained; as all other contractors on that work have been paid in the same kind of funds and we hear no complaint. They therefore ask to be discharged from the further consideration of the subject.

Which was read and concurred in.

Mr. Gorman made the following report, from the committee on canals and internal improvements:

MR. SPEAKER:

The committee on canals and internal Improvements, to whom was referred bill of the House No. 192, entitled a bill for the relief of Nathan Burchfield, have had that subject under consideration, and directed me to report, to strike out the bill from the enacting clause, and insert the following bill:

No. 192. Mentioned in said report, was reported back to the House;

Read a first time and passed to a second reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House No. 196, concerning the trustees of the Presbyterian Church of Fort Wayne, have had the same under consideration, and directed me to report said bill back to the House without amendment and recommend its passage;

Said bill No. 196, was reported back, and ordered to be engrossed.

Mr. Shoup, from a select committee, reported the following bill:

No. 207. A bill to vacate certain alleys in the town of Brookville, Franklin county.

Mr. Cuppy, from a select committee, reported the following bill:

No. 208. A joint resolution relating to delinquent lands in the counties of Kosciusko and Whitley;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Mitchell, from a select committee, reported the following bill:

No. 209. A bill to vacate the town of Marion, in Lagrange county;

Read a first time and passed to a second reading.

Mr. Thompson, from a select committee, reported the following bill:

No. 210. A bill for the relief of purchasers of the Wabash and Erie canal lands;

Read a first time and passed to a second reading on to-morrow.

Mr. Major, from a select committee, reported the following bill:

No. 211. A bill to authorize the location of a certain State road therein named:

Read a first time and passed to a second reading on to-morrow.

Mr. Robinson from the committee, on revision, made the following report:

MR. SPEAKER:

That the said committee, to whom was referred bill of the House, No. 53. Entitled a bill to prevent malicious prosecutions, have had the same under their consideration and have directed me to report, that in the opinion of that committee it is inexpedient to legislate further on that subject, and ask to be discharged from the further consideration of the same.

Said bill, No. 53, was reported back and, on motion of Mr. Hargrove, laid on the table.

Mr. Robinson, from the committee on revision, made the following report:

MR. SPEAKER:

The committee on the revision of the laws, to whom was referred a bill of the House,

No. 47. Entitled a bill to extend the privileges of the of the valuation laws, in all cases, to administrators and guardian's sales of real estate; and also a resolution of this House instructing the judiciary committee to enquire whether the rents and profits of real estate are embraced in the provisions of the valuation law when offered for sale upon execution also referred to this committee; and also a resolution referred to this committee instructing the committee on the judiciary to enquire into the expediency of so amending the laws with regard to the summoning and attendance of jurors in the circuit courts, as to save as much as possible the expense of said attendance, have had the several subjects under consideration and herewith report, that all the above named subjects are fully and amply provided for in the proposed revision of the laws, and ask to be discharged from the further consideration of those subjects.

Said bill, No. 47, was reported back and, on motion, laid on the table.

Mr. Robinson from the committee on revision, made the following report:

MR. SPEAKER:

The committee, to whom was referred bill of the House,

No. 56. Entitled a bill for the further stay of execution; and also bill of the House,

No. 30. Entitled a bill for the repeal of the proviso to the 17th section of an act pointing out the mode of levying taxes, approved February 12th, 1341, have had the same under consideration and have directed me to report the same back to the House and recommend their passage.

Said bills, No. 30 and 56, were reported back; when,
Mr. Edwards moved to lay said bill, No. 30, in said report mentioned on the table;

Which was agreed to.

Mr. Edwards moved to amend bill No. 56 in said report mentioned, by striking out the words, "without interest;"

Which amendment was adopted; and,

On motion of Mr. Norvell.

The bill was laid on the table.

Mr. Logan, from a select committee, reported the following bill:

No. 212. An act to provide for the appointment of township assessors in certain counties therein named, and defining their duties;

Read a first and second times; when,

On motion, the bill was amended by adding the counties of Union and Floyd, and ordered to be engrossed for a third reading.

Mr. Edwards, on leave granted, introduced the following bill:

No. 213. A bill to incorporate the town of Leavenworth, in the county of Crawford;

Read a first and second times and referred to the committee on corporations.

Mr. Shoup, on leave granted, introduced the following bill:

No. 214. A bill to repeal an act further to amend an act entitled an act relating to public roads and highways, approved January 31st, 1842;

Read a first and second times and referred to the committee on roads.

Mr. Millikin, on leave granted, introduced the following bill:

No. 215. An act amendatory to an act repealing the 18th, 21st and 23d section of the act prescribing the duties of county treasurers, approved February 12th, 1841, approved December 24th, 1841;

Read a first time and passed to a second reading on to-morrow.

Mr. Norvell, on leave granted, introduced the following bill:

No. 216. An act to incorporate the Spring Creek Academy;

Read a first and second times and referred to the committee on corporations.

RESOLUTIONS OFFERED.

On motion of Mr. Whight,

Resolved, That the Auditor of Public Accounts be requested to report to this House whether he so construes the 18th section of an act entitled "an act to value the property of this State," approved February 12th, 1841, that the county boards of equalization at their annual June session have the power, according to the above named act, to reduce the aggregate valuation of the real property of their respective counties, as valued by the county appraiser, and returned to the special county boards of equalization provided for by the 13th section of the same act.

Resolved further, That the said Auditor be requested also to report whether the county boards of equalization of any of the counties of this State have reduced the aggregate value of real property in their respective counties as returned by the county appraiser to the special county board of equalization.

On motion of Mr. Simonson,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of appropriating the sum of twenty-five dollars for the purpose of purchasing a Sunday School Library, for the use of the convicts in the State Prison, to be expended under the direction of the Chaplain.

Mr. Norvell offered the following resolution, which was not adopted:

Resolved, That this House will suspend its action on the revision until the business now on file is disposed of.

Mr. Denny offered for adoption the following:

Resolved, That this House will hold sessions from 6 to 9 o'clock, P. M. during the remainder of this session, to wit:

On Wednesday and Saturday of next week; and on Monday, Wednesday and Saturday of each succeeding week. Said evening sessions to be devoted to considering the revision of the laws;

Which resolution was not adopted.

Mr. Millikin offered for adoption the following resolution:

Resolved, That the Public Printer be requested to report to this House the cost of translating the Revised Statute of this session into the German language, and publishing and binding two thousand copies of the same.

Mr. Edwards moved to lay the resolution upon the table;

And the ayes and noes having been demanded by Messrs. Brown of Marion and Nees :

Those who voted in the affirmative were,

Messrs. Baker, Brown of W., Campbell, Chrisman, Claypool, Clements, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Francis, Goodenow, Hargrove, Hodges, Huckaby, Lee, Leyman, Lingle, Logan, Marvin, Mathers, McCormick, Meeker, Montague, Myers Nelson, Norvell, O'Neal, Rich, Roberts, Rose, Shelby, Sluss, Steele, Strain, Stratton and Wheeler—43.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of V., Carter, Cooley, Davis of Madison, Dunn, Edmonson, English, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Leslie, Lewis, Lowe, Major, Marsh, Millikin, Mitchell, Moore of Floyd, Moore of Owen, Nees, Osborn, Peak, Prilliman, Proctor, Robinson, Shoup, Simonson, Snook, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Whight, Wilson and Mr. Speaker.—49.

So said motion did not prevail.

Mr. Edmonson moved to amend said resolution by striking out "2000" and insert "1000;"

Mr. Myers moved to amend by publishing "1000 copies in the French language;"

Which motion prevailed.

And on motion of Mr. Brown of M.,

The resolutions and amendments were laid on the table.

On motion of Mr. Jones,

Resolved, That the committee on the State Bank be instructed to enquire into the propriety and expediency of repealing the 30th section of the act establishing a State Bank, excepting from the repeal of such Branch or Branches as may have been established under the same, and of repealing the act to create a seventeenth Branch Bank district. And, also, to enquire into the expediency of authorizing the Directors of the State Bank, to close any of the Branches of the State Bank, now in operation, and settle their affairs, with leave to report by bill or otherwise.

Mr. Dufour offered for adoption the following preamble and resolution:

WHEREAS, it is of great importance to the interests of the people of this State, that the present session of the Legislature should bring their labors to as speedy a close as the business and interest of the public will justify, and save to the State the unnecessary expense attendant on long sessions, therefore, to attain that desirable object,

Resolved, That this House will hereafter meet at eight o'clock in the forenoon, and at half past one o'clock in the afternoon, and that on Monday, Wednesday and Friday evenings of each week, during the remainder of the session, the House will hold evening or night sessions, commencing at 6 o'clock, P. M.

Mr. Edmonson moved to amend by striking out all after the words "one o'clock, in the afternoon;"

Which motion prevailed.

Mr. Wilson moved further to amend, by striking out the words "eight o'clock, A. M." and insert "at half past eight, A. M.;"

Which was also adopted.

Mr. Henley Moved (Mr. Davis of S., in the chair) to strike out the preamble;

Which motion prevailed.

The question then recurring upon the adoption of the resolution as amended;

And the ayes and noes having been demanded by Messrs. Tevis and Dufour:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler

of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Moore of Owen, Moore of Floyd, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker—89.

Those who voted in the negative were,

Messrs. Bradley and Tevis—2.

So said resolution as amended was adopted.

Mr. Dufour offered for adoption the following resolution:

Resolved, That the Treasurer of State be, and he is hereby requested to ascertain from the officers of the State Bank whether the Bank can accommodate the State with the sum of about eighty-five thousand dollars, to enable the State to pay the several officers thereof the amount of their salaries, on condition that the State will relinquish her stock created from the "*Surplus Revenue*" amounting, to \$412,450-00, and take up the Bonds of the State, held by the Bank, "*on advance of the fourth instalment of Surplus Revenue*," and the balance (after deducting the eighty-five thousand dollars) in Sinking Fund Treasury Notes, and that he report the result of his enquiry to this House at the earliest day possible.

Mr. Huckaby moved to lay it on the table;

And the ayes and noes having been demanded by Messrs. Robinson and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Claypool, Clements, Coffin, Cooley, Davis of Madison, Davis of Sullivan, Denny, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, McCormick, Meeker, Mitchell, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Wheeler, Whight and Williams—83.

Those who voted in the negative were,

Messrs. Dufour, Marsh, Millikin, Proctor, Tevis and Wilson—6.

So said resolution was laid on the table.

Mr. Brown of M., offered for adoption the following resolution:

Resolved, That the committee on revision be instructed to provide for the repeal of all laws allowing distress for rent;

Which was not adopted.

Mr. Bradley offered for adoption the following preamble and resolution:

Whereas, the report of the Agent to examine the State Bank, contains charges in a general form, calculated to injure the institution, and bring censure and disgrace on all those who are concerned in it, when those only who are guilty ought to be held up to the public odium; therefore,

Resolved, That N. B. Palmer, the Agent aforesaid, be requested to report to the House of Representatives, as early as possible, the particular items by which the loss of \$642,188 61, has been or will be occasioned to the Bank, with the names of all persons implicated in said losses, as principals, endorsers, or otherwise, and the sums that will be lost by each, and the names of all favorites and persons who have been permitted to renew their notes without curtailment or payment of interest, and the sums that are in litigation on taint of usury, and the names of insolvent or embarrassed directors or officers of the Bank and Branches, and the instances and items of political interference and special favoritism by the Branch at South Bend, and the evidence thereof, and the name or names of the witness or witnesses, or the source of his information, and of such interference or favoritism at any other Branch.

Resolved, That the President of the State Bank, be requested to communicate to this House, as early as practicable, his views of the losses of the Bank, by depreciated property, bad debts, &c., and any other matter in which he may conceive injustice has been done to the Bank, in the report of the Agent of State, to examine the State Bank and Branches.

Mr. Gorman moved to lay it on the table;

And the ayes and noes having been demanded by Messrs. Rich and Bradley :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of R., Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marsh, McCormick, Millikin, Moore of F, Moore of O, Myers, Nees, Nelson, Norvell,

O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Tingley, Wheeler, Whight and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Claypool, Coffin, Davis of Madison, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Leyman, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Proctor, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, and Wilson.—36,

So said preamble and resolutions were laid on the table.

Mr. Tingley offered for adoption the following resolution:

Whereas, it has been officially made known to this Legislature, by an authorized agent of the State, that the affairs of the State Bank of Indiana have been grossly mismanaged by the officers having charge of that institution, to the extent of endangering the pecuniary interest of all persons holding the bills issued by the Bank and calculated to render its circulation of little or no value in the common-place dealings and transactions of the people of Indiana.

And whereas, it is further made known to us by said agent, that said bank has in some instances lent her power and influence to political partisans and the accomplishment of party purposes; and in various instances given preferences in her discounts and loans incompatible with the useful management of said institution, granted to the officers and particular favorites of the Bank, and those having control over its concerns—conduct alike reprehensible in a moral point of view, as it is unjust, illegal, and in violation of the charter of said Bank.

Therefore be it resolved, That His Excellency, Samuel Bigger, Governor, be, and he is hereby instructed to order a *scire facias* to be forthwith sued out of the Marion circuit court in the name of the State against the State Bank of Indiana, calling on said corporation to show cause wherefore the charter of said institution shall not be declared forfeited;

Which was read and, on his motion, laid on the table.

Mr. Gorman asked leave to introduce the following resolution:

Resolved, That the reason this House had for voting to lay the resolution of Mr. Bradley of Laporte, on the subject of enquiry of N. B. Palmer, late Bank Examiner, on the table, was that said Bank Examiner's report had not been laid before the members of this House for examination.

And the ayes and noes having been demanded by Messrs. Brown of Marion and Edwards, on grating leave:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of R., Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart and Mr. Speaker.—57.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Davis of M., Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Mathers, Meeker, Mitchell, Montague, Myers, Shelby, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Whight and Wilson.—35.

So leave was granted.

Nr. Foulk then moved to amend said resolution by inserting the word "majority;"

Which was accepted by the mover.

Mr. Wilson, on leave granted, offered for adoption the following resolution:

Resolved, That the reasons of those who voted against giving leave for the introduction of a resolution assigning the reasons why this House voted against the investigation of charges against bank officers as proposed by Mr. Bradley is, that they believe such a proceeding unparliamentary.

And, on motion,

The House adjourned until 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Brown of Marion,

The House resolved itself into a committee of the whole on the subject of the revision, with Mr. Brown of Marion in the Chair; and after having spent some time therein, the committee rose, reported progress through its chairman, and asked leave to sit again.

And, on motion,

The House adjourned until 8½ to-morrow morning.

SATURDAY MORNING, JAN. 14, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By *Mr. Myers*, of citizens of Knox county, praying the location of a certain State road therein;

Which was referred to a select committee of Messrs. Myers, Hargrove, and *W hight*.

By *Mr. Foulk*, of Jonas Hoover and others, relative to the Hagerstown canal company;

Which was referred to the select committee to which other subjects of the same character were referred.

By *Mr. Nees*, of justices of the peace of Clay county, praying certain relief therein named;

Which was referred to the select committee to which other subjects of the same character were referred.

By *Mr. Strain*, of citizens of Vigo county, in relation to the inspection of Flour, Beef and Pork;

Which was referred to a select committee of Messrs. Strain, Patrick and Hodges.

By *Mr. Major*, of citizens of Clinton county, praying the repeal of a certain law regulating county treasurers;

Which was referred to a select committee of Messrs. Major, Chrisman and Robinson.

Also, of citizens of Clinton county, praying the vacation of a certain State road therein named;

Which was referred to the committee on roads.

REPORTS FROM COMMITTEES.

Mr. Davis of Madison, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of this House, with instructions to enquire into the expediency of amending the naturalization laws so as to prescribe and limit to a definite sum the fees to be demanded from aliens for naturalization papers, have directed me to report that the requirements of the resolution are fully provided for in the revision, and ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Leslie, chairman of the committee on roads, reported back to the House, bill

No. 174. An act providing for the opening and repairing roads and highways in the counties of Bartholomew, Putnam, and Owen, with three amendments;

Which were concurred in by the House;

Read a third time and passed; when

Mr. Leslie moved to amend the title to said bill as follows:

A bill for the opening and repairing roads and highways in the counties therein named;

Which was agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Gorman from the committee on canals and internal improvements made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred a resolution of this House, instructing them to report a bill requiring a notice to be given three months, of the letting or leasing water power, in this State, and requiring the bids therefor, to be in writing, have had that subject under consideration, and directed me to report a bill:

No. 217. A bill in relation to the letting of water power, by the State of Indiana;

Read a first time and passed to a second reading.

Mr. Moore of F., from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry petitions of citizens of Floyd county, in relation to county auditors, have had the same under consideration, and directed me to report that they deem the request of said petitioners reasonable and just, but inasmuch as the repeal asked for, is incorporated in the provisions of a bill now before this House, and as they trust said bill will receive the sanction of the Legislature, they consider further action by them unnecessary, and ask to be discharged.

Which was read and concurred in.

Mr. Carter, from a select committee, reported the following bill:

No. 218. A bill for the relief of the securities of John Plasters, school commissioner of Miami county;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

RESOLUTIONS.

On motion of Mr. Shelby,

Resolved, That the committee on the judiciary be directed to enquire

into the expediency of reporting a law giving commission merchants the power of selling goods which may be stored or shipped to them, and advances made on said goods for the freight and charges, after they have laid in said commission merchant's hands three months, and report by bill or otherwise.

Mr. Coffin offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the expediency of abolishing public executions for capital crime, and providing that such executions be hereafter done in a suitable private manner;

Which was not adopted.

Mr. Mitchell offered the following resolution:

Resolved, That the committee on ways and means enquire into the expediency of abolishing tax on the polls.

Mr. Whight moved to amend by striking out "ways and means," and inserting "State Prison;"

Which was agreed to.

Mr. Gorman moved to lay said resolution as amended on the table;

Which motion prevailed.

On motion of Mr. Wheeler,

Resolved, That the use of this Hall be tendered to the Whig State Convention, to be holden in this city, on Tuesday, the 17th instant.

On motion of Mr. Butterfield,

Resolved, That the judiciary committee be requested to enquire into the propriety of so amending the sixth article of an act providing for the support of illegitimate children, so as to relieve the county from the expense of supporting in the county jail, the persons that have no other means of complying with the provisions of the afore-said section.

JOINT RESOLUTIONS.

By Mr. Millikin:

No. 219. A joint resolution in relation to the valuation of mills and manufactories, propelled by water power;

Read a first and second times and referred to the committee of ways and means.

By Mr. Marvin:

No. 220. A preamble and joint resolution for the relief of the people of the State of Indiana;

Read a first and second times; when

Mr. Clements moved to refer the same to the committee on federal relations;

Which motion did not prevail.

Mr. Bradley moved that the rules be suspended, and said preamble and joint resolution be read a third time now.

Mr. Gorman moved to lay the same on the table.

And the ayes and noes having been demanded by Messrs. Gorman and Butler;

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of Marion, Brown of W., Campbell, Carter, Clements, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, McCormick, Meeker, Millikin, Moore of F., Moore of O., Nees, Nelson, O'Neal, Osborn, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Stratton, Swihart, Whight, Williams and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Randolph, Butler of V., Butterfield, Claypool, Davis of M., Denny, Edwards, Flannegan, Foulke, Francis, Hawkins, Hiatt, Hillis, Huckaby, Lee, Leslie, Marsh, Marvin, Matheny, Mathers, Mitchell, Montague, Norvell, Peak, Proctor, Rich, Shelby, Strain, Summers, Thompson, Tingley, Wheeler and Wilson—36.

So said motion prevailed.

By Mr. Lingle:

No. 221. A joint resolution for the relief of Andrew Wilson, commissioner of the French Lick Reserve, in Orange county;

Read three times and passed.

By Mr. Thompson:

No. 222. A joint resolution on the subject of an amendment to the Constitution of the United States;

Read a first and second times; when

Mr. Gorman moved to lay the same on the table.

And the ayes and noes having been demanded by Messrs. Gorman and Thompson:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Madison, Brown of White, Butler of Randolph, Campbell, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Marsh, Mathers, Meeker, Mitchell, Montague, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson, Tingley, Wilson and Williams—36.

So said motion was decided in the affirmative.

BILLS INTRODUCED.

By Mr. Robinson:

No. 223. A bill to authorize county surveyors to take the acknowledgements of deeds;

Read a first and second times and referred to the committee on the judiciary, (the rules being suspended.)

By Mr. Dunn:

No. 224. A bill to incorporate the Marion band in Grant county;

Read a first and second times, (the rules being suspended,) and referred to the committee on corporations.

By Mr. Proctor:

No. 225. A bill amendatory of an act entitled an act authorizing the administrator of Matthew H. Kempton, deceased, to bring certain suits in Perry county, approved January 29th, 1842;

Read three several times, (the rules being suspended,) and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Dunn:

No. 226. A bill to vacate the town of New Lexington, in Grant county;

Read a first time, and ordered to a second reading on to-morrow.

By Mr. Whight:

No. 227. An act to incorporate the Delancy Academy, in the town of Newburgh, in Warrick county, Indiana;

Read a first and second times, (the rules being suspended,) and referred to the committee on corporations.

By Mr. Shoup:

No. 228. A bill to authorize the publication of certain laws therein named, in the German language;

Read a first and second times, (the rules being suspended;) when,

Mr. Hodges moved to lay the same on the table;

And the ayes and noes having been demanded, on said motion, by Messrs. Osborn and Cooley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of W., Clements, Coffin, Denny, Edwards, Hargrove, Hodges, Huckaby, Lingle, Logan, Marsh, Marvin, Mathe-ny, Meeker, Montague, O'Neal, Shelby, Steele, Strain and Stratton.—21.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Campbell, Carter, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Dufour, Dunn, Edmon-son, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Goode-now, Gorman, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lowe, Major, Mathers, McCormick, Millikin, Mitchell, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Summers, Swihart, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speak-er.—66.

So said motion did not prevail.

Mr. Brown of Marion moved to refer the same to the committee to which the same subject had heretofore been referred;

Which motion prevailed.

By Mr. Moore of Floyd:

No. 229. An act to incorporate the German Lutheran and Re-formed Church of the city of New Albany;

Read a first and second times, (the rules being suspended,) and re-ferred to the committee on corporations.

By Mr. Gorman:

No. 230. A bill to relocate a State road from Columbus in Bar-tholomew county to Nashville in Brown county;

Read a first, second and third times, (the rules being suspended,) and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Gorman:

No. 231. A bill in relation to the 3 per cent. fund in Monroe county;

Read three several times, (the rules being suspended,) and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Logan:

No. 232. A bill relative to the mode of doing county business in the county of Washington;

Read a first and second times and ordered to be engrossed for a third reading.

By Mr. Leyman:

No. 233. An act for the relief of William F. Lane and Gideon Lane;

Read three several times, (the rules being suspended,) and passed.
Ordered, That the clerk inform the Senate thereof.

By Mr. Lingle:

No. 234. A bill for the relief of Nancy Wolfington,
Read three several times, (the rules being suspended,) and passed.
Ordered. That the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from Morris Morris, Auditor of the State of Indiana.

AUDITOR'S OFFICE, }
Jan. 14, 1843. }

TO HON. THOS. J. HENLEY,

Speaker of the House of Representatives:

This morning I received a communication from the treasurer of Lake county, informing me that on the first Monday of January inst., he proceeded to offer and did sell all the delinquent lands of Lake county, except two sections, (which land was mostly nonresident,) and received about \$300 dollars from purchasers thereof. A few days after such sale information reached his county of the postponement of sales until 1844.

I am requested to advise him what he shall do in the premises; whether the sale is good without an act legalizing it? Or whether he should without further enactment offer to the purchasers their money and request them to return their certificates of purchase? Believing the subject requires legislative intervention, I have made this communication not doubting but the Legislature will take such action as the case requires. It is probable that other distant counties are similarly situated; and should there be any enactment, it would probably be well to make its provisions general.

Respectfully yours,

M. MORRIS,
A. P. A.

And, on motion of Mr. Norvell,

The same was referred to the committee on the judiciary.

Mr. Jones moved to take from the table,

No. 185. An act to amend the act letting out the public works to private companies, &c.; &c. ;

Which motion prevailed.

Mr. Lowe moved to recommit the same to the committee on canals and internal improvements with the following instructions:

That the company be required to pay to the contractors all unsettled claims on said road.

The question being, "shall the same be recommitted with said instructions;"

And the ayes and noes having been demanded by Messrs. Moore of F. and Wilson:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Rush, Butler of Randolph, Butler of V., Butterfield, Cooley, Dufour, Edmonson, Edwards, Francis, Fuller, Hargrove, Huckaby, Leslie, Lewis, Lingle, Logan, Lowe, Matheny, Millikin, Moore of F., Moore of Owen, Nees, Nelson, Norvell, Osborn, Proctor, Roberts, Shelby, Simonson, Sluss, Snook, Steele, Stratton, Tingley, Wheeler, Whight and Wilson.—39.

Those who voted in the negative were,

Messrs. Bales, Brown of D., Brown of M., Brown of W., Carter, Claypool, Clements, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dunn, English, Flannegan, Gilbert, Goodenow, Gorman, Hardin, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Major, Marsh, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Myers, O'Neal, Prilliman, Rich, Robinson, Rose, Stewart, Strain, Summers, Swihart, Thompson, Williams and Mr. Speaker.—46.

So said motion did not prevail.

The question then recurring, "shall the bill be engrossed for a third reading;"

It was decided in the affirmative.

Mr. Clements moved to take from the files,

No. 163. An act to reduce the tolls on the New Albany and Vincennes road and to provide for the completion of the grade from Padoli to Mt. Pleasant;

Which motion prevailed; thereupon,

Mr. Clements moved to recommit the same to a select committee with the following instructions:

To so amend the bill that it shall provide for a more economical expenditure of money on the road between New Albany and Padoli, and so that a portion of the proceeds shall be applied to the debt of a Mr. Braxton for building the gates and toll houses.

Which was so referred.

The chair announced the following said committee:

Messrs. Lingle, Leslie, Mocre of Floyd and Clements.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed, without amendment, a bill of the House of Representatives,

No. 200. An act to legalize the election of the trustees of the Jennings county Library;

Also, with an amendment bill of the House of Representatives,

No. 117. An act to increase the width of the Frankfort road;

In which amendment I am directed to ask the concurrence of the House of Representatives.

Which was taken up, and the amendment of the Senate to bill No. 117 was concurred in by the House.

The following message was received from the Senate by Mr. Maquire their Secretary :

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives entitled,

No. 142. An act regulating the rate of tolls on the Wabash and Erie canal.

No. 153. An act for the relief of the purchasers of the saline lands in the counties of Orange, Washington and Brown;

The first without amendment, and the last with an amendment, in which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed an engrossed bill thereof entitled,

No. 117. An act to vacate a part of a State road in the county of Franklin;

In which the concurrence of the House of Representatives is requested.

The Senate continues to insist upon its amendment to bill No. 67 of the House of Representatives, entitled an act to amend an act entitled an act to incorporate the Liverpool bridge company; and Messrs. Mitchell and Miller are appointed a committee of free conference on the part of the Senate to act with a similar committee on the part of the House of Representatives, to take into consideration the disagreeing vote between the two Houses in relation to said bill.

The Senate has also adopted the following resolution, viz:

Resolved, That the Senate will, (the House of Representatives concurring therein,) proceed on the 20th instant, at 10 o'clock A. M., to the election of a commissioner on the Wabash and Erie canal west of Lafayette;

In which I am directed to request the concurrence of the House of Representatives.

Mr. Shoup moved to concur in the amendment of the Senate to bill No. 117, with the following amendment:

Strike out the words "from and after its publication in the Indiana Journal and Indiana State Sentinel;"

Which motion did not prevail.

And, on motion,

The House concurred in the amendment of the Senate to said bill.

Bill of the Senate No. 117. An act to vacate a part of a State road in Franklin county;

Read a first time and passed to a second reading on to-morrow.

And on motion of Mr. Lowe,
The House reciprocated said resolution, mentioned in said message;
Ordered, That Messrs. Peak and Moore of O., act as tellers on the
part of the House.

• BILLS ON THIRD READING.

No. 183. An act for the regulation of the grave yard at Lafayette;

Read a third time and passed.

No. 168. An act for the relief of Zera Southerland ;

And the question being shall said bill pass?

And on that question,

The ayes and noes having been demanded by Messrs. Moore of O.,
and Carter:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Brown of Dearborn, Brown of White, Campbell, Carter, Clements, Coffin, Davis of Madison, Davis of Sullivan, Dunn, English, Goodenow, Gorman, Hardin, Hawkins, Hillis, Jones, Lee, Leyman, Lingle, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Mitchell, Myers, O'Neal, Prilliman, Rich, Robinson, Rose, Shoup, Stewart, Swihart, Thompson, Wheeler, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Claypool, Cooley, Cuppy, Denny, Dufour, Edmonson, Edwards, Flannegan, Fuller, Gilbert, Hargrove, Hodges, Huckaby, Jackson, Leslie, Lewis, Logan, Lowe, Meeker, Millikin, Montague, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Shelby, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Tingley, Whight, Williams and Wilson—48.

So said bill was lost.

No. 1. A joint resolution of the Senate, was taken up ;

Mr. Bradley moved to lay the same on the table;

Which motion did not prevail.

The question then recurring on the concurrence of the report of the committee on the same.

And the ayes and noes having been demanded by Messrs. Hodges and Edwards:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams and Wilson—35.

So said report was concurred in by the House.

Mr. Bradley moved that the rules be suspended, and that said joint resolution be read a third time now;

Which motion prevailed.

The question then recurring, shall said joint resolution pass?

And the ayes and noes having been demanded on that question by Messrs. Gorman and Bowers:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of V., Campbell, Carter, Clements, Coffin, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Francis, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Osborn, O'Neal, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Steele, Strain, Swihart, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Bradley, Claypool, Davis of Madison, Flannegan, Foulke, Gilbert, Hiatt, Huckaby, Marvin, Mitchell, Shelby, Stratton, Summers and Thompson—14.

So said joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Norvell asked and obtained leave to offer the following preamble and resolution:

WHEREAS, it appears that the present agent on the Madison and Indianapolis railroad, is represented as irresponsible, and that the State will loose, or has lost something considerable by the irresponsibility and mal-conduct of said officer.

Resolved, That a select committee with power to send for persons and papers, be appointed by this House to further enquire into the conduct of Dr. McClure, the said agent on such road, and report to this House at as early a day as practicable the result of their enquiry;

Which was adopted.

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The chair announced the following select committee on the resolution of the House, as offered by Mr. Norvell, to-wit:

Messrs. Norvell, Whight and Bradley.

ORDER OF BUSINESS.

No. 197. An act to abolish the office of county auditor, in certain counties therein named.

No. 122. An act for the relief of William McCullough, deputy collector of the State and county revenue, of Cotton township, Switzerland county, State of Indiana, for the year 1841.

No. 158. An act to amend an act relative to the mode of doing township business in Miami county, approved Jan. 29th, 1842.

No. 152. A bill to vacate Oak street, and certain alleys in the town of Charleston, in the county of Clark.

No. 17. An act to change the mode of doing county business in the counties of Warrick and Dubois.

No. 37. An act appointing commissioners to locate certain State roads therein named.

No. 178. A bill for the relief of the people of Vermillion county.

No. 110. An act relative to voting in Laporte county.

No. 154. A bill to incorporate the town of Portland, in the county of Jay.

No. 165. A bill to provide for the payment of expenses incurred for the protection of the school fund.

No. 151. A bill for the relief of John Brookbank.

No. 172. An act for the relief of Zimri Moon.

No. 156. An act relative to suits against the Miami Indians.

No. 196. An act concerning the trustees of the Presbyterian Church, at Fort Wayne.

No. 212. An act to provide for the appointment of township assessors, in certain counties therein named, and defining their duties.

No. 176. A bill to change the name of Luther Thomas Griffing to Luther Thomas Martin.

No. 181. A bill relative to the Perry county seminary.

All of which were read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Bill No. 103;

Read a third time; and, on motion of Mr. Edwards, laid on the table.

No. 173. An act providing a suitable punishment for defaulting public officers;

Read a third time; when,

Mr. Robinson moved to lay the bill on the table;

Which motion was lost.

Mr. Gorman moved to recommit the bill with instructions to strike out the words, imprisonment in the State's prison.

Mr. Edwards moved to lay the bill on the table;

And the ayes and noes having been demanded by Messrs. Claypool and Proctor.

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Butterfield, Campbell, Carter, Clements, Cooley, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Fuller, Gilbert, Gorman, Hargrove, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Lewis, Lingle, Lowe, Marsh, Montague, Moore of F., Nees, Norvell, O'Neal, Osborn, Peak, Prilliman, Rose, Shelby, Simonson, Snook, Steele, Strain, Wheeler and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of White, Butler of Randolph, Butler of Vanderburgh, Claypool, English, Foulke, Francis, Goode-now, Hawkins, Hiatt, Johnson, Leslie, Leyman, Logan, Marvin, Mathers, McCormick, Meeker, Mitchell, Nelson, Proctor, Rich, Shoup, Sluss, Stewart, Stiatton, Summers, Swihart, Thompson, Tingley, Whight, Williams and Wilson.—35.

So said bill was laid on the table.

BILLS.

No. 169. An act to divorce Elizabeth Brown from her husband John D. Brown.

No. 175. An act for the relief of Hiram Prather of Jennings county.

No. 19, of the Senate, an act to provide for the summoning and empannelling jurors in the counties of Delaware and Grant.

No. 186. An act to locate a State road in Wayne county.

No. 167. An act to divorce Janet Mulloy from her husband James Mulloy.

All of which were read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 9. An act to authorize the exchange of treasury notes;

Read a third time and, on motion of Mr. Gorman, laid on the table.

No. 108;

Read a third time; when,

Mr. Norvell moved to recommit the bill to the committee with instructions to except the county of Lawrence.

And, on motion of Mr. Lowe,

The bill was laid on the table.

No. 127. A bill to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner;

Read a third time, and the question being, shall the bill pass;

And the ayes and noes having been demanded by Messrs. Whight and Gorman:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Vanderburgh, Butterfield, Cooley, Davis of Madison, Davis of Sullivan, Dunn, Edwards, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hillis, Johnson, Jones, Lee, Lewis, Lowe, Marsh, Marvin, Mathers, McCormick, Millikin, Mitchell, Montague, Myers, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Steele, Stewart, Strain, Stratton, Swihart, Tingley, Williams and Mr. Speaker.—53.

Those who voted in the negative were,

Messrs. Baker, Butler of Randolph, Campbell, Carter, Claypool, Clements, Denny, Dufour, Edmonson, Fuller, Hargrove, Hodges, Huckaby, Jackson, Leslie, Leyman, Lingle, Logan, Major, Meeker, Moore of F., Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Sluss, Snook, Summers, Thompson, Wheeler, Whight and Wilson—34.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Lowe,

Leave of absence was granted to Mr. Brown of Rush.

BILLS ON A SECOND READING.

No. 166. An act to authorize the commissioners of Elkhart county to equalize the appraisement of real estate in said county.

Read a second time and referred to a select committee of Messrs. Jackson, Marsh and Bradley.

No. 171. An act to amend an act subjecting real and personal property to execution;

Read a second time; when,

Mr. Leslie moved to amend said bill by striking out from the enacting clause and insert the following:

SEC. 1. That all executions issuing from the circuit or probate courts or justices of the peace, shall be made returnable at the expiration of one year from the date thereof and not sooner; *provided, however,* that the several officers holding executions shall make one offer to sell, as directed by the act to which this is an amendment, with as little delay as possible, after receiving the execution, and in all cases where the sheriff or other officer shall sell property and receive payment therefor, then and in that case such officer shall pay over to the officer issuing such execution or order of sale, the amount so received forthwith, and in case such execution or other process shall be fully paid and satisfied by sale or otherwise, it shall be the duty of such officer to return the same and pay over the money received thereon forthwith.

SEC. 2. That when the sheriff or other officer shall levy upon property, either real or personal, he shall forthwith proceed to have the same appraised agreeable to the provision of the act to which this is an amendment, and shall proceed to advertise so much only as will be sufficient to satisfy the executions in his hands with interest and costs thereon, and accruing costs, and no excess of property shall be offered unless a division or partition cannot be made by the appraisers and proper officer.

SEC. — That judgments on forfeited delivery bonds, excepted in the sixth section of the act to which this is amendment, shall no longer be excepted so far as the same relates to the securities on delivery bonds; but property offered for sale on such judgments, shall be subject to all the favorable provisions of this act and the act to which this is an amendment.

SEC. — The judges of the circuit or probate courts are hereby authorized in all cases where executors, administrators, guardians, or other trustees, cannot sell the property of their respective trusts, or realize the claims in their favor, by reason in either case of the want of bidders for property to be sold, by order of the court or under execution, to make an order, and cause the same to be entered upon the order book of the proper court, suspending all proceedings and enjoining all actions against such executors, administrators, guardians or trustees, until such property can be sold, or such claim realized.

Mr. Robinson moved to amend the amendment of Mr. Leslie as follows:

So that the plaintiff shall choose one appraiser and the defendant the other, and they not agreeing to choose a third. Also, to amend so as to compel appraisers to serve who are so selected;

Which amendment was accepted by the mover.

Mr. Norvell moved to amend the original bill as follows:

It shall be the duty of either sheriff or constable to summon two respectable citizens whose duty it shall be to select the property levied on by the officer holding such execution, who shall before entering on said duty be sworn to make such selection impartially to both debtor and creditor; whose duty it shall be to value the same as provided for in the section of this bill;

Which amendment was not adopted.

Mr. Millikin moved to amend the bill as follows:

SEC. This act to be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

Mr. ——— moved to amend the bill as follows:

Strike out all after the word defendant in the ninth line of the 9th section and insert one hundred dollars as exempt from selection by the plaintiff or plaintiffs aforesaid; as also property not exceeding in value the sum of one hundred and fifty dollars, which amount the execution defendant or defendants may claim as exempt from execution; and the ayes and noes having been demanded by Messrs. Rich and Lowe:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Davis of Sullivan, Dufour, Edmonson, English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Hodges, Johnson, Jones, Lee, Leyman, Lowe, Marsh, Marvin, McCormick, Millikin, Montague, Moore of F., Moore of O., Myers, Nees, Nelson, Osborn, Peak, Prilliman, Rich, Roberts, Rose, Shelby, Shoup, Snook, Stewart, Thompson, Wheeler, Williams, Wilson and Mr. Speaker.—51.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Clements, Cooley, Davis of M., Denny, Dunn, Edwards, Hargrove, Huckaby, Jackson, Leslie, Lewis, Lingle, Logan, Meeker, Mitchell, Norvell, O'Neal, Proctor, Robinson, Simonson, Sluss, Steele, Strain, Stratton, Summers, Swihart Tingley and Whight—31.

So said amendment was adopted.

Mr. Whight moved to amend the original bill by striking out the first section in said bill and insert the following:

That hereafter all real estate when sold on execution shall bring its fair appraised value; and all personal property, when sold on exe-

cution shall bring two-thirds of its appraised value when given up by the defendant, reserving the right to the plaintiff of selecting any property of the defendant, provided that he will pay a fair appraised value for the same, provided that in all cases on both real and personal property all incumbrances shall be deducted therefrom;

And the ayes and noes having been demanded by Messrs. Whight and Rich:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butler of Vanderburgh, Carter, Denny, Flannegan, Francis, Hargrove, Lee, Lingle, McCormick, Proctor and Whight.—12.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of M, Brown of W, Butler of R, dolph, Butterfield, Campbell, Claypool, Clements, Coffin, Cooley, Davis of Madison, Dunn, Edmonson, Edwards, English, Fuller, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Leslie, Lewis, Leyman, Logan, Lowe, Major, Marsh, Marvin, Mathers, Meeker, Millikin, Montague, Moore of F., Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Swihart, Thompson, Tingley, Williams, Wilson and Mr. Speaker—67.

So said amendment was not adopted.

Mr. Clements moved to strike out the 9th section and insert the following:

That in all cases the defendant shall have the right to give up such property as he pleases, either real or personal, provided it shall be sold for two-thirds of its fair value, and if the defendant gives the right to the plaintiff to select, then it shall bring its full value;

And the ayes and noes having been demanded by Messrs. Shoup and Clements:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Marion, Brown of White, Butler of Vanderburgh, Butterfield, Clements, Coffin, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, Flannegan, Francis, Hargrove, Hiatt, Hodges, Jackson, Jones, Leslie, Lewis, Leyman, Lingle, Major, Mathers, Moore of O., Myers, Nelson, Norvell, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Stratton, Swihart, Thompson, Tingley and Wilson—49.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of D., Butler of R., Campbell, Claypool, Davis of Madison, Edmonson, English, Fuller, Gilbert, Goodenow, Hawkins, Huckaby, Hillis, Johnson, Logan, Lowe, Marsh, Marvin, McCormick, Meeker, Millikin, Montague, Moore of F., Nees, O'Neal, Proctor, Rose, Summers, Stewart, Whight and Williams.
—33.

So said amendment was adopted.

Mr. Shoup moved to amend as follows:

Amend the 4th section in the third line by striking out, "not exceeding three times," and insert, "at any time;"

Which was not adopted.

Mr. Jackson moved to strike out the twelfth section of said bill ;

Which was not agreed to.

Mr. Brown of Marion moved to amend the bill as follows:

Reserving, however, to the defendant or defendants the right of selecting, as exempt from execution or other process, property to the amount of one hundred and fifty dollars.

And, on his motion, the bill and pending amendments were referred to a select committee of Messrs. Brown of Marion, Lowe, Rich, Carter, Roberts, Leslie and Millikin;

Mr. Thompson moved to instruct said committee to incorporate a provision compelling the plaintiff to pay costs in all cases, when the defendant has tendered to said plaintiff choice of his property at a fair cash value, prior to the commencement of suit;

Which was not agreed to.

Mr. Shoup moved to instruct the committee, that in all cases when a delivery bond has been executed, and forfeited, or when no property is found whereupon to levy, it shall be the duty of the officer holding such execution to return the same without delay, endorsing the proceedings had thereon to the proper office issuing the same;

Which were not adopted.

The Speaker laid before the *House* a communication from the Hon. George H. Dunn, Treasurer of State;

Which was referred to the committee of ways and means.

Also a communication of the Hon. M. Morris, Auditor of State;

Which was read and referred to the committee on canals and internal improvements.

No. 184. A joint resolution for the benefit of the Wabash Manual Labor College and Teachers' Seminary;

Read a second time; when,

Mr. Norvell offered the following amendment to said joint resolution:

Suspend the payment of interest until the principal shall fall due;

Which was adopted.

And said joint resolution was ordered to be engrossed for a third reading on to-morrow.

Mr. Bradley, on leave granted, introduced the following bill:

No. 235. A bill to provide for the construction of a rail way in Laporte county;

Read a first and second times and referred to the committee on corporations.

Mr. Tingley moved to instruct said committee to add a section to said bill prohibiting any company formed under this bill from issuing any thing in the shape of bank bills, or to circulate as money;

Which instructions were not adopted.

No. 180. An act to regulate the pay of members of the General Assembly;

Read a second time; and,

On motion of Mr. Summers,

Amended by adding the words, "or sick."

Said bill was ordered to be engrossed for a third reading.

And on motion,

The House adjourned until Monday morning, 8½ o'clock.

MONDAY MORNING, JAN. 16, 1843.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED.

By Mr. Swihart, of citizens of Wabash county, asking the location of a certain State road therein named;

Which was referred to a select committee of Messrs. Swihart, Prilliman, and Thompson.

By Mr. Millikin, the remonstrance of citizens of Dearborn county against altering the charter of the Lawrenceburgh and Napoleon turnpike company;

Which was referred to the select committee to which the same subject had been heretofore referred.

By Mr. Bowers, the petition of Vance Chamberlin and others, in relation to the Lawrenceburgh and Napoleon turnpike company;

Which was referred to the same committee.

By Mr. Johnson, the remonstrance of "citizens and legal voters of Indianapolis," against the repeal of the town charter, of Indianapolis;

Which was referred to the select committee to which the same subject had heretofore been referred.

By Mr. Peak, the petition of citizens of Dubois and Martin counties, asking the location of a certain State road therein named;

Which was referred to a select committee of Messrs. Peak, Clements and Norvell.

By Mr. Simonson, of Henry Dow, jr., and others, citizens of Clark and Floyd counties, praying that the convicts in the State Prison be required to work out the value of property stolen by them, for the benefit of those from whom the property was taken;

Which was referred to the committee on the judiciary.

By Mr. Myers, of citizens of Knox county, praying that the office of county auditor be abolished, and for other purposes;

Referred to a select committee of Messrs. Myers, Norvell and Proctor.

Mr. Wilson, chairman on the part of the House, of the committee of free conference, on bill of the House, No. 52, made the following report:

Mr. SPEAKER:

A majority of the joint committee of free conference, appointed on the part of either branch of the General Assembly, to adjust the disagreement of the two Houses, on bill No. 52, of the House, entitled "a bill to provide for the reception of certain Treasury Notes, in payment of county revenue, and for other purposes," have had the disagreement under consideration, and have directed me to report, that they have agreed to the first amendment of the Senate, and to the second, with this amendment, strike out the words to-wit: "be deemed as funds in the State Treasury, and may be paid out accordingly," and insert in lieu thereof, these words, "be cancelled and destroyed in like manner, as is provided for those notes received for State Revenue proper."

And the question of reception being raised by Mr. Robinson.

The ayes and noes were demanded by Messrs. Bradley and Wilson:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Butler of Randolph, Carter, Claypool, Clements, Cooley, Davis of M., Dunn, Edmonson, English, Fuller, Goodenow, Hawkins, Hiatt, Hodges, Johnson, Lee, Leslie, Lewis, Leyman, Lowe, Marvin, Mathers, Meeker, Mitchell, Moore of Owen, Myers, Prilliman, Rich, Roberts, Simonson, Strain, Stratton, Swihart, Thompson, Tingley, Whight, Williams and Wilson—40.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Butler of Vanderburgh, Butterfield, Campbell, Coffin, Davis of Sullivan, Denny,

Dufour Edwards, Foulke, Francis, Gilbert, Gorman, Hargrove, Huckaby, Jackson, Lingle, Logan, Marsh, McCormick, Millikin, Montague, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Proctor, Robinson, Rose, Shoup, Sluss, Steele, Stewart, Summers, Wheeler and Mr. Speaker—43.

So the House refused to receive said report.

Mr. Robinson, from the minority of said committee, made the following report:

MR. SPEAKER:

The committee of free conference, to which was referred a bill of the House, entitled a bill to provide for the reception of certain Treasury Notes, in payment of county revenue, and for other purposes, and the adjustment of certain differences between the House and the Senate, concerning certain amendments made thereto by the Senate, cannot agree with regard to said question of difference thus presented and referred to them.

J. S. McCORMICK.

A. L. ROBINSON.

And on motion of Mr. Brown of M.,

A new committee of conference, on the part of the House, on said bill, No. 52, was appointed.

REPORTS FROM STANDING COMMITTEES.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House No. 213, "to provide for the incorporation of the town of Levenworth, in the county of Crawford," have had the same under consideration and directed me to report said bill back without amendment and recommend its passage;

No. 213. A bill mentioned in said report, was reported back,
Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

REPORTS FROM SELECT COMMITTEES.

Mr. Foulk, from a select committee, reported the following bill:

No. 236. An act to amend an act, entitled an act, to incorporate the Hagerstown canal company, approved Feb. 15th, 1841;

Read a first and second times and referred to the committee on corporations.

Mr. O'Neal, from a select committee, reported the following bill:
No. 237. An act to locate a State road in the county of Green;
Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Nees, from a select committee, reported the following bill:

No. 238. An act for the relief of Henry Ingle of Clay county;

Read a first and second times and referred to the committee of ways and means.

Mr. Dufour, from a select committee, reported the following bill:

No. 239. A bill to incorporate the Vevay Band of Musicians;

Read three several times and passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Brown of M., from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred bill of this House, No. 171, "an act to amend an act subjecting real and personal property to execution," have had that subject under consideration, and have made several amendments thereto, and have directed me to report the same back to the House, and recommend that said amendments be concurred in.

The first amendment as reported by the committee, was concurred in.

The question then recurring upon the adoption of the second amendment to said bill as reported by the committee; when

Mr. Clements moved to recommit the bill with the following instructions:

Mr. Butler of V., moved to amend said instructions as follows:

"So as to allow the plaintiff, when dissatisfied with the property turned out by the defendant, to select other property, which shall bring its full appraised value;"

Which amendment was not adopted.

Mr. Henley moved (Mr. Leslie in the chair) to strike out Mr. Clement's instructions and insert the second and twentieth sections of "an act subjecting real and personal property to execution," approved Feb. 4th, 1831;

And the ayes and noes having been demanded by Messrs. Henley and Cooley;

Those who voted in the affirmative were,

Messrs. Bradley, Brown of D., Brown of Marion, Campbell, Davis of M., Edmonson, English, Francis, Fuller, Gilbert, Gorman, Hargrove, Johnson, Leslie, Marsh, Montague, Moore of F., Osborn, Roberts, Simonson and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of W., Butler of Randolph, Butler of V., Butterfield, Carter, Claypool, Clements, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marvin, Mathers, McCormick, Meeker, Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Patrick, Peak, Prilliman, Proctor, Rich, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Whight, Williams and Wilson—64.

So said motion did not prevail.

Mr. Wilson moved to reconsider the vote just taken on Mr. Henley's motion;

Which was consented to.

When Mr. Clements accepted the amendment as proposed by Mr. Henley.

And, on motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Hargrove moved to reconsider the vote taken on the reception of Mr. Wilson's report, as made by him on this morning, from the joint committee on bill No. 52.

Mr. Moore of O., moved a call of the House;

Which was seconded.

When the clerk proceeded to call the roll, and it appeared that the absentees were:

Messrs. Bradley, Chrisman, Goodenow, Hiatt, Johnson, Jones, Shelby, Stratton, Tevis and Thompson.

And on motion of Mr. Hodges,

The further call of the House was suspended; when

Mr. Shoup moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put?

Which was decided in the affirmative.

The question then recurring upon the adoption of Mr. Hargrove's motion to reconsider;

And the ayes and noes having been demanded by Messrs. Osborn and Edwards:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Carter, Claypool, Clements, Cooley, Davis of M., Dunn, Edmonson, English, Foulk, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Jackson, Johnson, Lee, Leslie, Lewis, Logan, Lowe, Major, Marvin, Mathers, Meeker, Mitchell, Moore of Owen, Nees, O'Neal, Patrick, Prilliman, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Whight, Williams and Wilson—51.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Francis, Gorman, Huckaby, Lingle, Marsh, Montague, Moore of Floyd, Norvell, Osborn, Peak, Proctor, Robinson, Snook, Steele, Stewart, Thompson, Wheeler and Mr. Speaker—30.

So said vote was reconsidered.

The question then recurring upon the reception of said report as made by Mr. Wilson,

And the ayes and noes having been demanded by Messrs. Norvell and Bradley,

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Butler of Randolph, Carter, Claypool, Clements, Cooley, Davis of Madison, Denny, Dunn, Edmonson, English, Foulke, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Jackson, Johnson, Lee, Leslie, Lewis, Lowe, Major, Marvin, Mathers, Meeker, Mitchell, Moore of Owen, Myers, Nees, O'Neill, Parker, Prilliman, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Sluss, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Whight, Williams, and Wilson.—54.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of White, Butler of Vanderburgh, Campbell, Coffin, Cuppy, Davis of Sullivan, Dufour, Edwards, Francis, Gorman, Huckaby, Lingle, Logan, Marsh, McCormick, Millikin, Montague, Moore of Floyd, Norvell, Osborn, Patrick, Peak, Proctor, Robinson, Snook, Steele, Stewart, Thompson, Wheeler, and Mr. Speaker.—34.

So said report was received.

The question then recurring upon the adoption of the same,

And the ayes and noes having been demanded by Messrs. Norvell and Bradley,

Those who voted in the affirmative were,

Messrs. Brown of Marion, Butler of Randolph, Carter, Claypool, Cooley, Davis of Madison, Dunn, Edmonson, English, Fuller, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Johnson, Lee, Leslie, Lewis, Lowe, Major, Marvin, Mathers, Meeker, Millikin, Moore of Owen, Myers, Nees, O'Neill, Parker, Patrick, Prilliman, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Strain, Summers, Sumner, Swihart, Tingley, Whight, Williams, and Wilson.—47.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of White, Butler of Vanderburgh, Campbell, Clements, Coffin, Cuppy, Davis of Sullivan, Denny, Dufour, Edwards, Francis, Gilbert, Gorman, Huckaby, Jackson, Lingle, Logan, Marsh, McCormick, Mitchell, Montague, Moore of Floyd, Norvell, Osborn, Peak, Proctor, Robinson, Sluss, Snook, Steele, Stewart, Stratton, Thompson, Wheeler, and Mr. Speaker.—40.

So said report was concurred in.

The House took up the message of the Senate which was received by Mr. Maguire, their principal secretary.

Bill of the House. No. 35, mentioned in said message, was taken up and the amendments of the Senate thereto, concurred in; also, the amendment to bill 64; also, the first amendment to bill No. 120;

When Mr. Shoup moved to concur in the second amendment of the Senate to bill No. 120, with the following amendment:

Provided, however, That the judges in the circuit court shall have the right to cause a final record to be made in cases they may think necessary, taxing such cost either to the plaintiff or defendant, as they shall think proper;

Which motion did not prevail: and,

On motion of Mr. Bradley,

The balance of said amendments to said bill were concurred in.

Also, the amendment to bill No. 65, in said message, was concurred in; and

On motion,

The further reading of the message was suspended.

Mr. Bradley, on leave granted, introduced the following bill:

No. 240. A bill relative to the levy of taxes for county purposes; Read a first and second times, and,

On motion of Mr. Norvell,

Referred to the committee of ways and means.

Mr. Robinson moved that the House adjourn;

And the ayes and noes having been demanded by Messrs. Bradley and Robinson.

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Butler of Randolph, Butler of Vanderburgh, Campbell, Clements, Davis of Sullivan, Denny, Edmonson, English, Fuller, Goodenow, Hargrove, Johnson, Mathers, Nees, Norvell, Peak, Prilliman, Proctor, Robinson, Sluss, Snook, and Wheeler.—24.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of White, Carter, Claypool, Coffin, Cooly, Cuppy, Davis of Madison, Dufour, Dunn, Edwards, Foulke, Francis, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Major, Marsh, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of Floyd, Moore of Owen, O'Neill, Osborn, Parker, Patrick, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Williams, Wilson, and Mr. Speaker.—60.

So the House refused to adjourn.

And, on motion,

The House adjourned until Wednesday morning, 8½ o'clock.

WEDNESDAY MORNING, JAN. 18, 1843.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED.

By Mr. Brown of Marion;

Of citizens of the town of Indianapolis, relative to the repeal of the town charter of said town;

Which was referred to the committee to which the same subject had heretofore been referred.

By Mr. Lowe,

Of citizens of Rush county, asking the repeal of a certain law therein named, so far as Rush county is concerned;

Which was referred to a select committee of Messrs. Lowe, Tingley, Brown of Rush, Rich, and Jones.

By Mr. Marsh;

Of citizens of DeKalb and Noble counties, asking the location of a certain road therein named;

Which was referred to a select committee of Messrs. Marsh, Wheeler, and Prilliman.

By Mr. Rich,

Of citizens of Jennings county, in relation to the retail of spirituous liquors, &c.;

Which was referred to the same select committee to which that subject had been heretofore referred.

By Mr. Goodenow;

Of B. W. Grover and others, asking the vacation of the town of Wirt in Jefferson county;

Which was referred to a select committee of Messrs. Goodenow, Hillis, and English.

By Mr. Matheny;

Of citizens of Morgan, Monroe, and Owen counties, praying that a law be passed authorizing a mill dam to be built across White river as therein set forth;

Which was referred to a select committee of Messrs. Matheny, Moore of Owen, Gorman, Norvell, and Lingle.

Also, of the same, relative to a certain mill dam across White river;

Referred to the same select committee first above.

By Mr. Shoup;

Of citizens of Franklin county, asking the appointment of a superintendent of common schools;

Referred to the committee on education.

By Mr. Nees;

Of citizens of Clay county, asking the location of a certain state road therein named;

Which was referred to a select committee of Messrs. Nees, O'Neill, and Davis of Sullivan.

By Mr. Jackson;

Of citizens of Elkhart county, in relation to a certain mill on Elkhart river;

Which was referred to the select committee to which the same subject had been referred.

By Mr. Hillis;

Of citizens of Jefferson county, asking that an act entitled, "an act for the preservation of sheep," might be extended to the county of Jefferson;

Which was referred to the committee on agriculture.

By Mr. Brown of Marion;

Of Wm. B. Pearson, praying a divorce from his wife;

Which was referred to the judiciary committee.

By Mr. Carter;

Of citizens of Cass county, praying the removal of a certain bridge across the canal at Logansport;

Which was referred to the committee on canals and internal improvements.

Mr. Roberts, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred bill, No. 216. An act to incorporate the Spring Creek Academy, have had the same under consideration, and have directed me to report the same back without amendment and recommend its passage.

Said bill was read a second time and ordered to be engrossed for a third reading on to-morrow.

REPORTS FROM SELECT COMMITTEES.

Mr. Swihart, from a select committee, reported the following bill:

No. 241. An act to locate a State road therein named;

Read a first and second times and referred to the committee on roads.

Mr. Clements, from the select committee on that subject, made the following report :

MR. SPEAKER:

The committee, to which was referred bill,

No. 163. Entitled a bill to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Paoli to Mt. Pleasant, have had the same under consideration, and directed me to report the same back to the House with one amendment, to wit:

Strike out all from the second section and insert the following:

Which amendment was concurred in by the House, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of White, from a select committee, reported the following bill:

No. 242. Entitled a bill to locate the seat of justice of Benton county;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

By Mr. Hawkins:

No. 243. Entitled a bill to change the time of holding probate courts in Jay county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Major:

No. 244. Entitled a bill for the relief of settlers on canal lands;

Read a first time and passed to a second reading on to-morrow.

By Mr. Hiatt:

No. 245. Entitled a bill amendatory to an act entitled "an act to incorporate the town of Cambridge city," approved Feb'y 12th, 1841;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Shoup, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred bill,

No. 149. Have had the same under consideration, and directed me to report it back to the House and recommend its passage;

Which was read a first and second times and referred to the committee on roads.

Mr. Gorman, from the committee on revision, reported the following bill:

No. 246. Entitled a bill in relation to selecting jurors and doing county business in Monroe and Brown counties;

Read a first and second times; and,

On motion,

Was amended by adding the following counties:

Lawrence, Martin, Boone, Bartholomew, Dearborn, Clay, Decatur, Ripley, Marshall, Fulton, Jay, Adams, Union, Greene, Henry, Wabash, Miami, Orange, Parke, Jackson, Owen, Franklin, Daviess, Floyd, Morgan, Allen, Knox, Whitley, Kosciusko, Porter and Lake.

Mr. Simonson moved further to amend as follows:

Any counties in this State which have special laws in regard thereto;

Which was not agreed to.

Mr. Moore of Owen moved to amend as follows:

Provided that the counties of Greene, Owen, Morgan and Elkhart, shall select petit jurors as they are in the counties of Monroe and Brown;

Which was agreed to.

Then the same was ordered to be engrossed for a third reading on to-morrow.

Mr. Thompson moved to take up the following message received from the Senate on yesterday, by Mr. Wright, a Senator :

MR. SPEAKER:

I am directed by the Senate to inform the *House* that the Senate have adopted the following resolution, in which the concurrence of the House is respectfully requested:

Resolved, That the Senate will, the House of Representatives concurring therein, go into the election of United States Senator on Monday, 23d instant, at 10 o'clock A. M., provided this resolution is reciprocated by the House on or before Thursday next.

And the ayes and noes having been demanded on that motion by Messrs. Whight and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Cements, Coffin, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Edwards, Dunn, English, Foulke, Francis, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Logan, Lowe, Marsh, Marvin, Matheny, McCormick, Meeker, Millikin, Montague, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Prilliman, Rich, Real, Rose, Roberts, Shelby, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—73.

Those who voted in the negative were,

Messrs. Campbell, Carter, Cooley, Edmonson, Fuller, Gorman, Jones, Lewis, Leyman, Lingle, Major, Moore of F., Moore of Owen, Peak, Proctor, Robinson, Shoup, Stewart, and Whight.—19.

So said motion was decided in the affirmative.

Mr. Lowe moved to amend by inserting Saturday next.

Mr. Davis of Sullivan moved to amend the amendment as follows:

Strike out all after the word, "instant" in the fourth line and insert 2 o'clock P. M.; provided the Senate concur in said amendment on or before Friday next at 12 o'clock meridian;

Which was accepted.

Mr. Gorman moved to lay said resolution and amendments on the table until Friday next;

And the ayes and noes having been demanded by Messrs. Gorman and Tingley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Campbell, Carter, Cooley, Davis of Madison, Dufour, Edmonson, English, Flannegan, Foulke, Francis, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Lowe, Major, Matheny, McCormick, Moore of F., Moore of Owen, Nees, Nelson, Proctor, Roberts, Shoup, Snook, Stewart, Whight and Mr. Speaker.—39.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Sullivan, Denny, Dunn, Edwards, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Les-

lie, Logan, Marsh, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Myers, Norvell, O'Neal, Osborn, Parker, Patrick, Prilliman, Real, Rich, Rose, Shelby, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams and Wilson—58.

So said motion did not prevail.

Mr. Simonson moved to reconsider the vote just taken on laying on the table;

And the ayes and noes having been demanded by Messrs. Steele and Edwards:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, Edmonson, English, Flannegan, Foulke, Fuller Gorman, Hardin, Hargrove, Jackson, Jones, Lewis, Leyman, Lingle, Nees, Logan, Lowe, Major, Matheny, McCormick, Moore of F., Moore of O., Nelson, O'Neal, Osborn, Peak, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Swihart, Stewart, Wheeler, Whight and Mr. Speaker.—49.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Davis of Sullivan, Denny, Dunn, Edwards, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marsh, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Myers, Norvell, Parker, Patrick, Prilliman, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—48.

So said vote was reconsidered.

The question then recurring, shall said resolution be laid on the table;

And the ayes and noes having been demanded by Messrs. Parker and Norvell:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, Edmonson, English, Flannegan, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Moore of F., Moore of O., Nees, Nelson, O'Neal, Osborn, Peak, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—50.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Davis of Sullivan, Denny, Edwards, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Williams and Wilson.—47.

So said motion was decided in the affirmative.

Mr. Norvell, on leave, introduced

No. 247. An act supplemental and amendatory to an act relating to county seminaries, approved February 17th, 1838;

Which was read a first and second times and referred to the judiciary committee.

Mr. Strain introduced,

No. 248. An act to change the time of holding probate courts in the county of Vigo;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Logan introduced,

No. 249. An act for the relief of the tax payers of Franklin township, Washington county;

Read a first and second times and ordered to be engrossed for a third reading.

Mr. Leyman introduced,

No. 250. An act to incorporate the Lafayette Huzzas;

Read a first and second times and referred to the committee on military affairs.

Mr. Huckaby introduced,

No. 251. A bill for the relief of John C. Reily, of Perry county;

Read a first and second times, and referred to the committee on education.

Mr. Swihart introduced,

No. 252. A bill to legalize the location of a certain state road by John Sellers, in Wabash county;

Read a first and second times, and referred to the committee on roads.

Mr. Real introduced,

No. 253. An act for the organization of a board of commissioners in Putnam county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dufour introduced,

No. 254. A bill declaring certain names a misprint and for other purposes;

Read a first, second, and third times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Leyman introduced,

No. 255. An act to authorize the board of commissioners of Tippecanoe county to sell the poor house farm in said county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Rich moved to take from the table the report of the committee on ways and means, relative to fixing the amount of assessment of taxes for State purposes;

Which motion did not prevail.

Mr. Gorman introduced,

No. 256. A bill to provide for the election of prosecuting attorneys by the people;

Read a first time and passed to a second reading.

ORDERS OF THE DAY.

Bills on the second reading:

No. 188. An act for the relief of Daniel Matlock, road commissioner of Hendricks county;

Read a second time and ordered to be engrossed for a third reading.

No. 192. A bill for the relief of Nathan Burchfield;

Read a second time and ordered to be engrossed for a third reading.

No. 189. An act to incorporate the Columbus band of musicians;

Read a second time and ordered to be engrossed for a third reading.

No. 190. A bill authorizing a subscription for the history of the State of Indiana;

Read a second time, when,

Mr. Lowe moved to amend by striking out the first section thereof;

Which motion was decided in the negative; and

Said bill was ordered to be engrossed for a third reading on tomorrow.

On motion,

The House adjourned until 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment;

And resumed the consideration of the

ORDERS OF THE DAY.

No. 193. An act to extend the provisions of an act for the relief of the settlers on the Wabash and Erie Canal [lands];

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 194. A bill to form a new county out of the counties of Knox, Green, Daviess, and Sullivan;

Read a second time and laid on the table.

No. 215. An act amendatory to an act repealing the 18th, 21st, and 23d sections of an act prescribing the duties of county treasurers, approved Feb. 12th, 1840, approved Dec. 24, 1841;

Read a second time, and,

On motion,

Was amended by inserting after the word "Spencer," [the words] "Porter, Lake, and Putnam";

Then the same, as amended, was referred to the committee on ways and means.

No. 206. A bill to extend the jurisdiction of justices of the peace and of constables in certain cases therein named;

Read a second time and ordered to be engrossed.

No. 209. An act to vacate the town of Marion, in Lagrange county;

Read a second time and ordered to be engrossed.

No. 117. (Of the Senate,) an act to vacate part of a state road in Franklin county;

Read a second time and referred to the committee on roads.

No. 226. A bill to vacate the town of New Lexington, in Grant county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 217. A bill in relation to the letting of water power by the State of Indiana;

Read a second time and ordered to be engrossed.

No. 207. A bill to vacate certain alleys in the town of Brookville, Franklin county;

Read a second time and ordered to be engrossed.

No. 210. A bill for the relief of purchasers of Wabash and Erie canal lands;

Read a second time and ordered to be engrossed.

No. 211. A bill to authorize the location of a certain state road therein named;

Read a second time and referred to the committee on roads.

No. 205. An act to amend an act entitled "an act to authorize the using of water power at the town of Pittsburgh, and for other purposes, approved January 31st, 1842;

Read a second time; when

Mr. Carter moved to amend as follows:

Provided, That nothing herein contained shall be so construed as to authorize the rebuilding of the lock on said side cut canal;

Which was decided in the affirmative.

Ordered, That the same be engrossed for a third reading.

No. 204. A bill for the relief of certain persons therein named;

Read a second time; when

On motion,

Said bill was amended as follows:

Insert Mary Ann Aris and — Aris, of Monroe; William Lyons, and Mary Ann Lyons, of Clark; Samuel L. McMillan and Lavina McMillan, of Cass; Maria L. Huikson and Thomas Huikson, of Monroe; Sarah Harland and Thomas Harland, of Daviess county.

Mr. Clements moved to amend the amendment as follows:

That all disaffected married persons shall be divorced.

Said bill was further amended by adding the names of Catharine Catlin and Seth Catlin; McKenzie Wolfington and Nancy Wolfington; Jane Gillam and Peter Gillam, of Jay county.

Mr. Claypool moved to lay said bill and amendments on the table; Which did not prevail.

On motion,

The bill, with the amendments, was referred to the committee on the judiciary.

No. 187. A bill to subject equitable interest in real property and choses in action to the payment of debts;

Read a second time and referred to the judiciary committee.

No. 182. A bill to make Bank Scrip receivable for Wabash and Erie canal lands, east of Tippecanoe river;

Read a second time and,

On motion of Mr. Davis of S.,

Was laid on the table.

Mr. Campbell, from the committee of free conference, made the following report:

MR. SPEAKER:

The committee of free conference, to whom was referred a bill of the House of Representatives entitled a bill to amend an act entitled an act to amend an act entitled an act to incorporate the Liverpool Bridge Company, have had that subject under consideration, and report the same back with the following amendment and recommend its passage:

To strike out all after the word "time," in the amendment of the Senate thereto, and insert the following: "By a vote of two thirds of any subsequent Legislature.

ADAM S. CAMPBELL,
JOHN H. BRADLEY.

Which report was concurred in by the House.

No. 67, mentioned in said report.

BILLS ON THE THIRD READING.

No. 185. A bill to amend an act to provide for the continuance of the construction of any part of the public works of this State, by

private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, app. Jan. 28th, 1842;

The question being, Shall the bill pass?

And on that question,

The ayes and noes having been demanded by Messrs. Gorman and Leslie,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Davis of Madison, Davis of Sullivan, Denny, Dunn, English, Flannegan, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hillis, Hodges, Johnson, Jones, Lee, Major, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Myers, Nees, O'Neal, Osborn, Patrick, Peak, Real, Rich, Robinson, Rose, Steele, Stewart, Strain, Swihart, Tevis, Williams and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Brown of White, Cooley, Cuppy, Dufour, Edmonson, Edwards, Foulke, Francis, Hiatt, Huckaby, Jackson, Leslie, Leyman, Lingle, Logan, Lowe, Meeker, Moore of Floyd, Moore of Owen, Nelson, Norvell, Parker, Prilliman, Proctor, Roberts, Simonson, Sluss, Snook, Stratton, Summers, Thompson, Whight and Wilson—35.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

180. An act to regulate the pay of members of the General Assembly;

Read a third time; when,

Mr. Leslie moved to lay the bill on the table;

Which was decided in the negative.

Mr. Clements moved to commit to a select committee with instructions to amend as follows: "get leave before leaving."

The chair appointed the following, said committee, Messrs. Clements, Wilson and Rich.

No. 232. A bill relative to the mode of doing county business in the county of Washington;

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

Bill No. 194;

Read three several times and passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House the following communication from the Secretary of State:

SECRETARY OF STATE'S OFFICE,
Indianapolis, Jan. 16th, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—Be pleased to lay the enclosed communication, before the House.

I am, very respectfully,

Your obedient servant,

WM. SHEETS.

Which was referred to the committee of ways and means.

On motion of Mr. Norvell,

No. 216. An act to incorporate the Spring Creek Academy, was taken up; and

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 171. An act to amend an act, subjecting real and personal property to execution.

Mr. Edwards moved to lay the same on the table;

And on that question Messrs. Robinson and Clements demanded the ayes and noes:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Francis, Hardin, Hiatt, Hodges, Huckaby, Jones, Lee, Leslie, Lewis, Lingle, Marsh, Matheny, Montague, Patrick, Real, Robinson, Rose, Simonson, Steele, Strain, Stratton, Sumner, Swihart and Tingley—38.

Those who voted in the negative were,

Messrs. Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Clements, Dufour, Edmonson, English, Foulk, Fuller, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hillis, Jackson, Johnson, Leyman, Logan, Lowe, Major, Marvin, Mathers, McCormick, Meeker, Millikin, Mitchell, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Shelby, Sluss, Snook, Stewart, Tevis, Thompson, Wheeler, Whight, Williams, Wilson and Mr. Speaker—55.

So said motion was decided in the negative.

The question then recurring upon the commitment of the bill, with Mr. Clement's instructions;

And a division of the question being demanded ;

The question then recurring "shall the bill be recommitted;"

Which was decided in the affirmative.

The question then recurring upon the adoption of Mr. Clement's instructions;

Which was also decided in the affirmative.

Mr. Brown of D., moved to amend Mr. Clement's instructions by striking "value" out of the third line of the first section, and insert "price," and the same whenever the word value occurs in the bill;

Which was not adopted.

Mr. Jackson moved to instruct the committee to strike out the whole bill after the enacting clause, except the fourth section;

Which was not adopted.

Mr. Osborn moved to instruct the committee to insert after the words one hundred and fifty dollars, "provided such execution debtor shall have a family;"

Which was adopted.

Mr. Huckaby moved to instruct the committee as follows:

"Where the defendant has not \$150, his creditors should make it up to him;

Which was not agreed to.

And on motion of Mr. Brown of M.,

Mr. Clements was added to said committee.

On motion of Mr. Edwards,

The House resolved itself into a committee of the whole on the revision;

Mr. Simonson in the chair ;

The committee rose, reported progress, and asked leave to sit again; also, reported a bill (of the Senate) concerning the acquisition and enjoyment of the transmission of property real and personal, the domestic relations and other matters connected with private rights;

The House concurred in the report, and said committee has leave to sit again.

No. 67. As mentioned in said report;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Carter asked and obtained leave for the committee on county boundaries, to sit to-morrow.

Mr. Edwards, on leave, introduced bill,

No. 257. A bill to amend the act in relation to the relocation of the Rome and Paoli State road;

Read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 184. A joint resolution for the benefit of the Wabash Manual Labor College and Teachers Seminary ;

Read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Rich,

No. 30. A bill for the repeal of the proviso to the 17th section of

and act, entitled an act, pointing out the mode of levying taxes, approved Feb. 12th, 1841;

Was taken from the table and referred to a select committee of Messrs. Lowe, Tingley, Rich, Brown of R. and Jones.

Mr. English from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, reports that they have compared bill of the House No. 153, with the engrossed bill and found the same truly enrolled.

And on motion,

The House adjourned until half past 8 o'clock to-morrow morning.

THURSDAY MORNING, JAN. 19, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Rich;

Of Brannock Phillips and others, citizens of Jennings county, in relation to a certain tract of land therein named;

Which was referred to the judiciary committee.

By Mr. Wheeler;

The petition and remonstrance of citizens of Marshall county, in relation to a State road therein named;

Which were referred to the committee on roads.

By Mr. Proctor;

Of Warrick Meeks, asking relief as therein named;

Also, of citizens of Spencer county, asking that Henry F. W. Racine might be divorced from his wife;

Each of which was referred to the judiciary committee.

By Mr. Peak;

Of Thomas Herrall and Sarah Herrall, praying to be divorced;

Which was referred to the judiciary committee.

By Mr. Swihart;

Of citizens of Wabash county, in relation to a bridge across the Wabash river, as therein named;

Also, the remonstrance of citizens upon the same subject;

Which were referred to a select committee of Messrs. Swihart, Carter and Brown of W.

By Mr. Nees;

Of citizens of Clay county, in relation to the execution law;
Which was referred to the judiciary committee.

By Mr. Gilbert;

Of Francis Stroup, asking relief as therein named;
Which was referred to the judiciary committee.

By Mr. Foulk;

Of W. A. Bickle and others, in relation to their disapproval of several laws as therein named;
Which was referred to the judiciary committee.

By Mr. Peak;

Of citizens of Martin county, asking that the banns of matrimony between Jacob Leslie and his wife might be dissolved;
Which was referred to the judiciary committee.

By Mr. Summers;

Of Conrad Beard and others, praying that the acts of said Beard might be legalized as constable;
Referred to the judiciary committee.

By Mr. Gorman;

Of Charles B. Huff and others, in relation to a certain State road therein named;

Referred to a select committee of Messrs. Gorman, Norvell and Jones.

By Mr. Bowers;

Of David Parker and others, asking the location of a certain State road therein named;

Referred to the committee on roads.

Also, of David Linley and others, in relation to the Lawrenceburgh and Napoleon Turnpike Company;

Referred to the same select committee to which the same subject had been heretofore referred.

By Mr. Butler of R.;

Of citizens of Randolph county, in relation to the execution laws;
Which was referred to the judiciary committee.

By Mr. Carter;

Of Samuel L. McMillan, praying a divorce from his wife Levina;
Which was referred to the judiciary committee.

Also, of H. Lasselle, jr., praying certain relief, as therein named;

Which was referred to the committee on canals and internal improvements.

By Mr. Bales;

Of James McLean, in relation to a certain school, &c.;

Referred to a select committee of Messrs. Bales, Norvell, Brown of Marion, Bradley and Coffin.

By Mr. Cuppy;

Of citizens of Whitley county, in relation to township business;

Referred to a select committee of Messrs. Cuppy, Wheeler and Swihart.

By Mr. Lingle;

Of John Cox and others, praying the location of a certain State road;

Referred to a select committee of Messrs. Lingle, Moore of F. and Logan.

Mr. Davis of Sullivan, chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a joint resolution of this House, No. 137, authorizing the Agent of State to employ an assistant, have had the same under consideration, and have directed me to report it back to the House and recommend its indefinite postponement;

No. 137. A joint resolution mentioned in said report, was reported back to the House and the report concurred in.

Mr. Goodenow, a member of the same committee, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House No. 240, entitled a bill, relative to the levy of taxes for county purposes, have according to order, had the same under consideration, and have directed me to report the bill back to the House, and recommend its indefinite postponement.

The question recurring upon concurring in the report;

And the ayes and noes having been demanded by Messrs. Rich and Marsh:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of W., Campbell, Carter, Cuppy, Davis of Sullivan, Dufour, English, Fuller, Goodenow, Hardin, Hodges, Jackson, Johnson, Jones, Lingle, Logan, Lowe, Matheny, McCormick, Meeker, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Parker, Roberts, Simonson, Stewart, Strain, Stratton, Williams, Wilson and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Butler of Randolph, Butler of V., Butterfield, Chrisman, Claypool, Clements, Cooley, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Flanagan, Foulke, Francis, Gilbert, Hargrove, Hawkins, Hillis, Huckaby, Lee, Lewis, Major, Marsh, Marvin, Mathers, Millikin, Mitchell, Mon-

tague, Moore of Owen, Nelson, Prilliman, Proctor, Real, Rich, Robinson, Rose, Shelby, Shoup, Snook, Steele, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and Whight—52.

So said report was not concurred in.

The bill reported back to the House; when

Mr. Huckaby moved to amend by excepting the county of Perry;

Which motion did not prevail.

Mr. Campbell moved to amend by excepting the counties of Porter and Lake; which motion in like manner failed.

The question then recurring upon the engrossment of the bill;

And the ayes and noes having been demanded by Messrs. Edwards and Marsh:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of D., Claypool, Cooley, Davis of M., Denny, Edmonson, Flannegan, Foulk, Francis, Gilbert, Gorman, Hargrove, Hiatt, Hillis, Lee, Leyman, Lewis, Major, Marsh, Marvin, Mathers, Millikin, Mitchell, Moore of O., Myers, Nelson, Prilliman, Proctor, Real, Rich, Robinson, Rose, Shelby, Shoup, Steele, Summers, Tevis, Thompson and Whight—41.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of V., Butterfield, Campbell, Carter, Chrisman, Clements, Cuppy, Davis of Sullivan, Dufour, Dunn, Edwards, English, Fuller, Goodenow, Hardin, Hodges, Huckaby, Jackson, Johnson, Jones, Leslie, Lingle, Logan, Lowe, Matheny, McCormick, Meeker, Montague, Moore of F., Nees, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Roberts, Simonson Sluss, Snook, Stewart, Strain, Stratton, Sumner, Swihart, Tingley, Williams, Wilson and Mr. Speaker—52.

So said bill was not ordered to be engrossed.

Mr. Dufour from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a communication of M. Morris, Auditor of Public Accounts, in relation to the report of the joint committee on the State Library, in the case of the alleged defalcation of Willam J. Brown, late State Librarian, and asking the appointment of a committee to examine the books and accounts in his office, have had said communication under consideration and have directed me to report the same back to the House and re-

commend the appointment of a select committee to make said examination, the committee ask to be discharged from the further consideration of said communication;

Which was read and concurred in.

Mr. Williams, a member of the committee of ways and means, reported the following bill:

No. 258. An act to amend an act, entitled an act, repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurer;

Which was read a first and second times; when

Mr. Norvell moved to amend said bill by adding after the word "—," the words "or the clerk to the boards doing county business;

Which was agreed to.

Mr. Clements moved to recommit the bill with instructions to extend the time of settlement until the 1st of July next;

Which motion did not prevail.

The bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Williams, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred bill, No. 238, of this House, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage;

Which report was concurred in;

The bill reported back, read a second time, and ordered to be engrossed for a third reading.

Mr. Wilson, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a joint resolution of this House, No. 219, a joint resolution in relation to the valuation of mills and manufactories, propelled by water power, have had the same under consideration, and have directed me to report the said resolution back to the House without amendment, and recommend its passage;

Said bill was reported back.

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Whight, a member of the same committee, made the following report:

ceedings, and enjoining all actions against such executors, administrators, guardians, or trustees, until such property can be sold, or such claims can be realized.

Add the following section:

Sec. This act to be in force, from and after its passage, and shall be published in the Indiana Journal and Sentinel, and all laws, and parts of laws, coming within the purview of this act, be, and the same are hereby repealed, and nothing in the revision of the laws contained, shall be taken and contrived to contravene, or repeal any of the provisions of this act.

January 19, 1843.

Amendments all concurred in.

The first amendment was concurred in.

Mr. Wilson moved to amend the second amendment, by striking out the words, "two-thirds" and insert "three-fourths;"

Which motion did not prevail.

The question then recurring upon concurring in said amendment;

Which was agreed to.

The third amendment was concurred in.

The additional section, as reported by the committee, was in like manner concurred in.

The question then recurring upon the engrossment of the bill; when

Mr. Roberts moved to amend as follows:

Mr. Edwards moved the previous question;

Which was seconded by the House.

The question then recurring, "shall the main question be now put ;"

Which was decided in the affirmative.

The question then recurring on the engrossment of the bill,

And the ayes and noes having been demanded by Messrs. Rich and Edwards:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of M., Brown of Rush, Brown of W., Butler of Randolph, Butler of V., Butterfield, Campbell, Carter, Clements, Coffin, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Lee, Lingle, Logan, Lowe, Major, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Rich, Roberts, Rose, Shelby, Snook, Steele, Stewart, Strain, Stratton, Summers, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—72.

Those who voted in the negative were,

Messrs. Brown of D., Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Edwards, Francis, Huckaby, Jackson, Jones,

Leslie, Lewis, Matheny, Meeker, Mitchell, Real, Robinson, Shoup, Simonson, Sluss, Sumner and Swihart.—23.

So said bill was ordered to be engrossed.

The question then recurring, shall the bill be considered as engrossed and read third time now;

Which was agreed to.

Question then on the passage of the bill, Mr. Rich moved a call of the House; when the clerk proceeded to call the roll, it appeared that the absentee was Mr. Leyman, who was excused on account of sickness.

And the ayes and noes having been demanded on the final passage of the bill by Messrs. Bowers and Sluss:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Clements, Coffin, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Lee, Lingle, Logan, Lowe, Major, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Rose, Shelby, Shoup, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—76.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Edwards, Francis, Huckaby, Jackson, Jones, Leslie, Lewis, Matheny, Meeker, Mitchell, Real, Robinson, Simonson, Sluss and Stewart.—21.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. McGuire their Principal Secretary :

MR. SPEAKER:

The Senate has adopted the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein,) go into the election of bank directors on Friday, the 20th inst., at 2 o'clock P. M., to fill vacancies occasioned by resignation or otherwise.

Which I have been directed to bring to the House of Representatives, and request their concurrence therein.

ceedings, and enjoining all actions against such executors, administrators, guardians, or trustees, until such property can be sold, or such claims can be realized.

Add the following section:

Sec. This act to be in force, from and after its passage, and shall be published in the Indiana Journal and Sentinel, and all laws, and parts of laws, coming within the purview of this act, be, and the same are hereby repealed, and nothing in the revision of the laws contained, shall be taken and contrived to contravene, or repeal any of the provisions of this act.

January 19, 1843.

Amendments all concurred in.

The first amendment was concurred in.

Mr. Wilson moved to amend the second amendment, by striking out the words, "two-thirds" and insert "three-fourths;"

Which motion did not prevail.

The question then recurring upon concurring in said amendment;

Which was agreed to.

The third amendment was concurred in.

The additional section, as reported by the committee, was in like manner concurred in.

The question then recurring upon the engrossment of the bill; when

Mr. Roberts moved to amend as follows:

Mr. Edwards moved the previous question;

Which was seconded by the House.

The question then recurring, "shall the main question be now put;"

Which was decided in the affirmative.

The question then recurring on the engrossment of the bill,

And the ayes and noes having been demanded by Messrs. Rich and Edwards:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of M., Brown of Rush, Brown of W., Butler of Randolph, Butler of V., Butterfield, Campbell, Carter, Clements, Coffin, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins. Hiatt, Hillis, Hodges, Johnson, Lee, Lingle, Logan, Lowe, Major, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Rich, Roberts, Rose, Shelby, Snook, Steele, Stewart, Strain, Stratton, Summers, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—72.

Those who voted in the negative were,

Messrs. Brown of D., Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Edwards, Francis, Huckaby, Jackson, Jones,

Leslie, Lewis, Matheny, Meeker, Mitchell, Real, Robinson, Shoup, Simonson, Sluss, Sumner and Swihart.—23.

So said bill was ordered to be engrossed.

The question then recurring, shall the bill be considered as engrossed and read third time now;

Which was agreed to.

Question then on the passage of the bill, Mr. Rich moved a call of the House; when the clerk proceeded to call the roll, it appeared that the absentee was Mr. Leyman, who was excused on account of sickness.

And the ayes and noes having been demanded on the final passage of the bill by Messrs. Bowers and Sluss:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Clements, Coffin, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Lee, Lingle, Logan, Lowe, Major, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Rose, Shelby, Shoup, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker.—76.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Edwards, Francis, Huckaby, Jackson, Jones, Leslie, Lewis, Matheny, Meeker, Mitchell, Real, Robinson, Simonson, Sluss and Stewart.—21.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maquire their Principal Secretary :

MR. SPEAKER:

The Senate has adopted the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein,) go into the election of bank directors on Friday, the 20th inst., at 2 o'clock P. M., to fill vacancies occasioned by resignation or otherwise.

Which I have been directed to bring to the House of Representatives, and request their concurrence therein.

The Senate has concurred in the report of the committee of free conference appointed to take into consideration the disagreement between the two Houses in relation to the bill of the House of Representatives to amend an act entitled "an act to incorporate the Liverpool bridge company."

Which was taken up, and the resolution in said message mentioned, reciprocated on the part of the House.

Also the following message of the Senate was taken up:

MR. SPEAKER:

The Senate has passed, without amendment, engrossed bills of the House of Representatives entitled,

No. 18. An act for the relief of Catharine Melville.

No. 28. An act to legalize the districting of the county of Daviess into commissioner's districts, and for other purposes; and

No. 48. Joint resolution relating to the construction of a harbor at Michigan city.

Also engrossed bills and joint resolutions of the House of Representatives, each with amendments, entitled,

No. 35. An act to extend in part the provisions of an act to compel speculators to pay a road tax equal to that paid by actual settlers in certain counties therein named.

No. 64. An act to appoint an inspector of salt in certain counties therein named.

No. 120. An act abolishing Attorney's docket fees.

No. 65. A joint resolution in relation to the completion of the Wabash and Ohio canal; and

No. 104. A joint resolution memorializing Congress relative to the navigation of the Mississippi and Ohio rivers;

Also engrossed bills of the Senate entitled as follows, viz:

No. 41. An act amendatory of an act entitled "an act subjecting real and personal property to execution," approved February 15th, 1841.

No. 111. An act to locate a State road in the county of Switzerland, and for other purposes;

In which engrossed bills of the Senate and the amendments of the Senate to bills of the House of Representatives, I am directed to ask the concurrence of the House.

The amendments to joint resolution No. 104 were concurred in by the House.

Bills No. 41 and 111, of the Senate were taken up, read a first time and passed to a second reading on to-morrow.

Also the following message of the Senate was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and a joint resolution thereof entitled,

No. 126. An act to amend an act entitled "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan Creek, in Dearborn county, approved February 22, 1840.

No. 127. An act to amend an act entitled "an act for the relocation of a certain State road therein named, approved January 31, 1842.

No. 128. An act to relocate a part of the Crawfordsville and Williamsport State road.

No 129. An act supplemental to the act entitled "an act to incorporate the South Bend Manufacturing Company," approved December 28, 1842; and

No. 121. A joint resolution in relation to the Territory of the United States west of the Rocky mountains, called Oregon Territory.

In which bills and joint resolution of the Senate the concurrence of the House of Representatives is respectfully requested.

And bills of the Senate therein mentioned.

No. 126, 127, and 128, was a first time and passed to a second reading on to-morrow.

Bill No. 129, in said message mentioned, was taken up, read three several times, and passed,

Ordered, That the Clerk inform the Senate thereof.

Joint resolution, No. 121, in said message, was taken up,

Read a first and second times, and referred to the committee on federal relations.

Also, the following message of the Senate was taken up :

MR. SPEAKER :

The Senate refuses to concur in the amendment made by the House of representatives, to the joint resolution of the Senate,

No. 1. A joint resolution in relation to refunding the fine imposed upon Gen. Jackson, by the district court of Louisiana.

The Senate has concurred in the report of the joint committee of free conference, in relation to the disagreement between the two Houses, in relation to bill of H. R. No. 52, respecting the reception of certain treasury notes, in payment of county revenue, and for other purposes ; when,

On motion of Mr. Brown of Marion,

The House insisted upon its amendment to said joint resolution of the Senate, No. 1.

RESOLUTIONS OFFERED.

On motion of Mr. Summers,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing that the rents and profits of the real estate of decedents, for seven years, shall first be offered for the payment of debts due against the estate. And provided the rents and profits will not sell for a sum sufficient to pay the debts against such estate, then the fee simple shall be offered. But in no case shall

the fee simple be offered, unless the rents and profits will not sell for a sum sufficient to pay such debts, and report by bill or otherwise.

Mr. Norvell moved to re-consider the vote heretofore taken on bill No. 168, a bill for the relief of Zera Sutherland.

And the ayes and noes having been demanded by Messrs. Clements and Osborn,

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of D., Brown of M., Brown of W., Butler of V., Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Madison, Dunn, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Harding, Hargrove, Hawkins, Hiatt, Hillis, Johnson, Jones, Lee, Lingle, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Mitchell, Moore of F., Myers, Nees, O'Neill, Patrick Prilliman, Real, Rich, Robinson, Rose, Shelby, Shoup, Stewart, Strain, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Rush, Butler of Rush, Cuppy, Dufour, Edmonson, Edwards, Hodges, Jackson, Leslie, Lewis, Logan, Lowe, Meeker, Millikin, Montague, Moore of O., Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss, Snook, Steele, Stratton Whight, and Wilson—31.

So said vote was re-considered.

The question then recurring upon the passage of said bill, No. 168,

And the ayes and noes being demanded by Messrs. Lowe and Bradley,

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Vanderburgh, Campbell, Carter, Clements, Coffin, Davis of M., Dunn, English, Flannegan, Foulk, Francis, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Johnson, Jones, Lee, Lingle, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Mitchell, Moore of Floyd, Myers, Nees, O'Neal, Patrick, Prilliman, Real, Rich, Robinson, Rose, Shelby, Shoup, Stewart, Strain, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Rush, Butler of Randolph, Claypool, Cooley, Cuppy, Dufour, Edmonson, Edwards, Fuller, Hodges, Jackson, Leslie, Lewis, Logan, Lowe, Meeker, Millikin, Montague,

Moore of Owen, Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss, Snook, Steele, Whight and Wilson—33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency the Governor, to inform the *House* of Representatives, that on the 18th inst. he approved and signed the the following act:

No. 153. An act for the relief of the purchasers of the saline lands in the counties of Orange, Washington and Brown;

Which originated in the House of Representatives.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined the following bills, to-wit:

An act to legalize the election of the trustees of the Jennings county Library;

Also, an act to legalize the districting of the county of Daviess into commissioner's districts, and for other purposes;

Also, an act regulating the rate of tolls on the Wabash and Erie Canal;

And have compared the same with engrossed bills of the House and find them correctly enrolled.

Mr. Tingley, from the committee on enrolled bills, reported as follows:

MR. SPEAKER:

The committee on enrolled bills have examined enrolled bills of the House, entitled as follows:

An act to provide for the reception of certain Treasury Notes in payment of county revenue and for other purposes;

Also, a joint resolution relating to the construction of a harbor at Michigan city;

Also, an act to extend in part, the provisions of the act entitled an act to compel speculators to pay a road tax equal to that paid by actual settlers, approved Jan. 31st, 1842, to the counties of Elkhart, Jay, Adams, Blackford, Hamilton, Miami and Cass;

Also, an act for the relief of Catharine Melville;

Also, an act to increase the width of the Frankfort road;

Also, an act relative to the water power at Northport, in Noble county;

Which enrolled bills and joint resolution have been compared with the engrossed bills of the House and found correct.

BILLS INTRODUCED.

By Mr. Robinson:

No. 261. A bill to establish the county of Burlington and for other purposes;

Read a first and second times; when

Mr. Steele moved to refer it to a select committee consisting of the delegation from the adjoining counties;

But before any definite action was had thereon,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

By Mr. Norvell:

No. 262. A bill for the relief of the purchasers of school lands;

Read a first and second times and referred to the committee on education.

By Mr. Stratton:

No. 263. A bill for the relief of the trustees of the Methodist Episcopal Church, of the town of Centerville, Wayne county;

Read three several times and passed.

Ordered. That the clerk inform the Senate thereof.

By Mr. Gorman:

No. 264. A bill to declare the meaning of the act requiring the State Bank to resume specie payment;

Read a first and second times and referred to the judiciary committee.

By Mr. Millikin:

No. 265. An act to amend an act entitled an act, regulating the duties of clerks of the circuit courts and county auditors, approved Jan. 31st, 1842;

Read a first time and passed to a second reading on to-morrow.

By Mr. Chrisman:

No. 266. A bill to authorize the school commissioners of the county of Boone, to redeem certain certificates therein named;

Read a first time and passed to a second reading on to-morrow.

By Mr. Dufour:

No. 267. A bill to amend an act entitled an act to provide for the keeper of the State House and Library, approved Feb. 2d, 1841;

Read a first and second times, and referred to a select committee of Messrs. Wilson, Dufour and Davis of S.

ORDERS OF THE DAY.

The first thing in the order of the day, was bill No. 256. A bill to provide for the election of prosecuting attorneys by the people;

Read a second time; when

Mr. Davis of M. moved to refer it to the judiciary committee;

Which motion did not prevail.

Mr. Rich moved to refer it to a select committee;

Which motion was lost.

Mr. Robinson moved to amend by striking out "two years" and insert "three;"

Which amendment was not adopted.

Mr. Simonson moved that the bill be indefinitely postponed;

And the ayes and noes having been demanded by Messrs. Meeker and Gorman;

Those who voted in the affirmative were,

Messrs. Bales, Brown of Marion, Brown of Rush, Clements, Davis of M., Edwards, English, Hardin, Hawkins, Hillis, Jackson, Jones, Leslie, Lingle, Logan, Lowe, Matheny, Montague, Nees, Norvell, O'Neal, Parker, Patrick, Real, Stratton, Summers and Wilson—27.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Sullivan, Dufour Dunn, Edmonson, Flannegan, Foulke, Francis, Fuller, Gilbert, Gorman, Hargrove, Hiatt, Hodges, Johnson, Lewis, Major, Marsh, Marvin, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Nelson, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Strain, Swihart, Thompson, Tingley, Wheeler, Whight, Williams and Mr. Speaker—60.

So said bill was not indefinitely postponed.

Mr. Edmonson moved to amend said bill by striking out the first Monday of August next, and insert the first Monday of August next preceding the expiration of the time for which the present prosecutors were elected to serve;

Mr. Thompson moved to amend the bill by striking out the words "judicial circuits," and insert "county;"

Which amendment was not adopted.

Mr. Wilson moved to lay the bill with the amendments on the table;

And the ayes and noes having been demanded by Messrs. Wilson and Gorman:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Clements, Davis of Madison, Edwards, English, Hardin, Hawkins, Jackson, Jones, Leslie, Lingle, Logan, Lowe, Matheny, McCormick, Montague, Nees, O'Neal, Parker, Real, Simonson, Summers, Whight and Wilson—29.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Davis of S., Dufour, Dunn, Edmonson, Flannegan, Foulk, Francis, Fuller, Gilbert, Goodenow, Gorman, Hargrove, Hiatt, Hodges, Johnson, Lewis, Major, Marvin, Meeker, Millikin, Moore of Floyd, Moore of Owen, Myers, Nelson, Norvell, Osborn, Patrick, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Rose, Shelby, Sluss, Snook, Stewart, Strain, Stratton, Swihart, Tevis, Thompson, Tingley, Wheeler and Mr. Speaker—57.

So said motion did not prevail.

The question then recurring shall the bill be considered as engrossed and read a third time now?

And the ayes and noes having been demanded by Messrs. Gorman and Moore of O.:

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Sullivan, Dufour, Edmonson, English, Flannegan, Foulke, Francis, Gilbert, Gorman, Hargrove, Hiatt, Hodges, Johnson, Lewis, Major, Marsh, Marvin, Matheny, McCormick, Meeker, Millikin, Moore of Floyd, Moore of Owen, Myers, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Strain, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butterfield, Clements, Davis of Madison, Dunn, Edwards, Fuller, Goodenow, Hardin, Hawkins, Jackson, Jones, Leslie, Lingle, Logan, Lowe, Mathers, Montague, Nees, O'Neal, Parker, Patrick, Steele, Stratton, Summers and Wilson—30.

So said bill was considered as engrossed.

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 244. A bill for the relief of settlers on canal lands;

Read a second time and ordered to be engrossed.

BILLS ON THIRD READING.

No. 242. An act to locate the seat of justice in Benton county;

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

No. 210. A bill for the relief of the purchasers of the Wabash and Erie canal lands;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 207. A bill to vacate certain alleys in the town of Brookville, Franklin county;

Read a third time and laid on the table.

No. 217. A bill in relation to the letting of water power by the State of Indiana;

No. 206. An act to extend the jurisdiction of justices of the peace and of constables in certain cases therein named;

No. 190. A bill authorizing a subscription for the history of the State of Indiana;

No. 189. An act to incorporate the Columbus band of musicians;

No. 188. An act for the relief of David Matlock, road commissioner of Hendricks county;

No. 192. A bill for the relief of N. Berchfield;

No. 205. An act to amend and act entitled "an act authorizing the leasing of water power at the town of Pittsburgh, and for other purposes, app. Jan. 31st, 1842";

No. 249. An act for the relief of the taxpayers of Franklin township, Washington county;

No. 209. An act to vacate the town of Marion, in Lagrange county;

No. 248. An act to change the time of holding probate courts in the county of Vigo;

No. 246. An act for selecting jurors and doing county and township business, in certain counties therein named;

All of which were read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 193. An act to extend the provisions of an act for the relief of settlers on the Wabash and Erie canal lands;

Read a third time, and,

On motion of Mr. Hodges,

Laid on the table.

On motion of Mr. Wheeler,

The House took up bill

No. 143. A bill to divide the State into congressional districts;

Mr. Bradley moved to amend said bill by striking out of the — district the county of Hendricks and insert the county of Fountain; And the ayes and noes having been demanded by Messrs. Nelson and Bradley,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Carter, Claypool, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Francis, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Leslie, Logan, Marvin, Mathers, Meeker, Montague, Parker, Patrick, Real, Rich, Roberts, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, and Wilson.—46.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Chrisman, Clements, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Foulke, Fuller, Gilbert, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mitchell, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Snook, Stewart, and Mr. Speaker.—51.

So said motion did not prevail.

Mr. Clements moved to amend as follows:

Strike out of the eleventh line the word "Monroe," and insert "Vigo"; also, out of the twelfth line the word "Brown" and insert "Clay";

And the ayes and noes having been demanded by Messrs. Nees and Clements,

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Leslie, Lingle, Marvin, Mathers, Meeker, Mitchell, Montague, Nees, Parker, Rich, Roberts, Shelby, Sluss, Stratton, Summers, Sumner, Thompson, Tingley and Wilson—38.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter,

Chrisman, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of Owen, Myers, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Strain, Swihart, Tevis, Wheeler, Whight and Mr. Speaker.—55.

So said amendment was not adopted.

Mr. Marvin moved to amend as follows :

Strike out of the 9th line the county of *Morgan* and insert “ *Hendricks* ;”

And the ayes and noes having been demanded by Messrs. Marvin and Matheny :

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Davis of Madison, Edmonson, Edwards, Flanagan, Foulke, Gilbert, Goodenow, *H*illis, Huckaby, Jackson, Leslie, Marvin, Mathers, Mitchell, Montague, Myers, Parker, Proctor, Real, Rich, Shelby, Sluss, Strain, Stratton, Summers, Sumner, Thompson, and Tingley.—34.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Davis of S., Denny, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hawkins, Hodges, Johnson, Jones, Lewis, Logan, Lowe, Major, Marsh, Matheny, McCormick, Mecker, Millikin, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Swihart, Tevis, Wheeler, Whight and Mr. Speaker.—54.

So said motion did not prevail.

Mr. Foulke moved to amend by striking out of the — line the county of “*Madison*.”

Mr. Shoup moved to amend the amendment by inserting in lieu thereof the county of *Randolph* ;

Which motion did not prevail.

The question then recurring upon Mr. Foulk's amendment ;

And the ayes and noes having been demanded by Messrs. Foulk and Shoup.

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edmonson, Ed-

wards, Flannegan, Foulke, Francis, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hodges, Huckaby, Jackson, Leslie, Lingle, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Whight and Wilson.—41.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of R, Brown of W., Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, English, Gorman, Hardin, Hawkins, Hillis, Johnson, Jones, Lewis, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Tevis, Wheeler, and Mr. Speaker.—51.

So said amendment did not prevail.

Mr. Norvell moved to amend the bill as follows :

Strike out of the sixth district the county of Brown, and attach the same to the second district;

And the ayes and noes having been demanded by Messrs. Hillis and Norvell:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Carter, Chrisman, Clements, Davis of Sullivan, Dufour, Francis, Gorman, Jackson, Johnson, Lingle, Logan, Marsh, Matheny, McCormick, Moore of F., Moore of O., Myers, Nees, Norvell, O'Neal, Peak, Roberts, Simonson, Sluss, Sumner, Wheeler and Mr. Speaker.—29.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Bales, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Claypool, Coffin, Cooley, Cuppy, Davis of M., Denny, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hiatt, Hodges, Huckaby, Jones, Leslie, Lewis, Lowe, Major, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Nelson, Osborn, Parker, Patrick, Prilliman, Proctor, Real, Rich, Robinson, Rose, Shelby, Shoup, Snook, Steele, Stewart, Strain, Stratton, Swihart, Tevis, Tingley, Thompson, Whight and Wilson.—66.

So said amendment was not adopted.

Mr. Bradley moved to amend as follows :

To strike the county of Benton from the 9th and insert it in the 8th district;

And the ayes and noes having been demanded by Messrs. Bradley and Carter :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Claypool, Clements, Coffin, Davis of Madison, Davis of Sullivan, Edwards, Flannegan, Francis, Hawkins, Hillis, Hodges, Huckaby, Leslie, Lingle, Marvin, Mathers, Meeker, Mitchell, Montague, Myers, O'Neal, Parker, Patrick, Real, Rich, Roberts, Simonson, Sluss, Stratton, Summers, Sumner, Tevis, Thompson and Tingley.—38.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of Rush, Butler of R., Campbell, Carter, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Logan, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Robinson, Rose, Shelby, Snook, Stewart, Strain, Swihart, Wheeler, Whight and Mr. Speaker.—50.

So said amendment was not adopted.

Mr. Hardin moved to amend the bill as follows :

Strike Brown county from the sixth and attach it to the fifth.

Mr. Nees moved to amend the amendment of Mr. Hardin as follows :

Strike from the seventh district the county of Clay and attach it to the sixth;

Also strike Brown county from the 6th and attach it to the fifth;

Which amendment was accepted by the mover.

The question then recurring upon the adoption of the amendment as amended ;

And the ayes and noes having been demanded by Messrs. Brown of Marion and Matheny :

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Clements, Coffin, Cuppy, Dufour, Gilbert, Gorman, Hardin, Hillis, Jackson, Johnson, Jones, Leslie, Lingle, Marvin, Matheny, Moore of O., Myers, Nees, Norvell, O'Neal, Osborn, Prilliman, Robinson, Simonson, Sluss, Swihart, Tingley, Wheeler, Wilson and Mr. Speaker.—38.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Butler of Vanderburgh, Cooley, Davis of Madison, Denny, Dunn, Edmonson, Edwards, English, Flannegan, Francis, Fuller, Goodenow, Hargrove, Hiatt, Hodges, Huckaby, Lewis, Logan, Lowe, Major, Marsh, McCormick, Millikin, Meeker, Mitchell, Montague, Nelson, Parker, Patrick, Proctor, Real, Rich, Roberts, Rose, Shelby, Shoup, Snook, Steele, Stewart, Strain, Summers, Tevis, Thompson and Whight.—48.

So said amendment was not adopted.

Mr. Thompson moved the following as an amendment to the bill:

That no person shall be declared duly elected to a seat in the Congress of the United States until he shall receive a majority of all the votes polled in such Congressional district;

And the ayes and noes having been demanded by Messrs. Tingley and Thompson:

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butler of V., Claypool, Clements, Coffin, Davis of Madison, Flannegan, Foulke, Francis, Hawkins, Hiatt, Huckaby, Leslie, Marvin, Mathers, Meeker, Mitchell, Myers, Nees, Parker, Real, Rich, Shelby, Steele, Stratton, Summers, Tevis, Thompson, Tingley and Wilson.—30.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of D., Brown of M., Brown of Rush, Brown of W., Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, Fuller, Gilbert, Gorman, Hardin, Hargrove, Hillis, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Strain, Swihart, Wheeler, Whight and Mr. Speaker.—61.

So said amendment was lost.

Mr. Bradley moved to reconsider the vote heretofore taken on the motion to strike out of the fourth district the county of Madison and insert the county of Franklin;

And the ayes and noes having been demanded by Messrs. Shoup and Bradley:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Edwards, Flannegan,

negan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Leslie, Lingle, Mathers, Meeker, Mitchell, Montague, Myers, Nees, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Stratton, Summers, Thompson, Tingley, Wilson and Mr. Speaker.—42.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Brown of White, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Strain, Swihart, Wheeler and Whight.—50.

So the House refused to reconsider said vote.

Mr. Gorman moved to amend the bill by striking the county of Brown out of the sixth district, and attach the same to the fifth;

Which was agreed to.

Mr Hargrove moved further to amend said bill by striking off of the first district the county of Harrison, and attaching it to the second district.

Mr. Tevis moved the previous question;

Which was seconded by the House.

The question then recurring,

Shall the main question be now put?

And the ayes and noes having been demanded by Messrs. Whight and Edwards,

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of D., Brown of M., Brown of R., Butler of R., Butler of Vanderburgh, Butterfield, Campbell, Carter, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Gorman, Hardin, Hawkins, Hodges, Huckaby, Johnson, Jones, Leslie, Logan, Lowe, Major, Matheny, McCormick, Meeker, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neill, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Tevis, Tingley, Wheeler, and Wilson.—58.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of White, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Edmonson, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Jackson, Lewis, Lingle, Marsh, Mathers, Millikin, Montague, Myers, Nees,

Parker, Rich, Steele, Strain, Stratton, Summers, Sumner, Thompson, Whight, and Mr. Speaker.—36.

So the main question was ordered to be put.

The question then recurring,

Shall the bill be considered as engrossed and read a third time now?

And the ayes and noes having been demanded by Messrs. White and Lowe,

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Carter, Chrisman, Cooly, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Gorman, Hardin, Hawkins, Hodges, Huckaby, Johnson, Jones Leslie, Logan, Lowe, Major, Matheny, McCormick, Meeker, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neill, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Stewart, Swihart, Tevis, Tingley, Wheeler, and Wilson.—55.

Those who voted in the negative were,

Messrs. Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Davis of Madison, Edmonson, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Jackson, Lewis, Lingle, Marsh, Mathers, Millikin, Mitchell, Montague, Myers, Nees, Parker, Rich, Simonson, Steele, Strain, Stratton, Summers, Sumner, Thompson, Whight, and Mr. Speaker.—36.

So the bill was considered as engrossed and read a third time;

When Mr. Whight moved to re-commit the bill to a select committee of ten, with instructions to equalize the districts;

And the ayes and noes having been demanded by Messrs. Whight and Cooley,

Those who voted in the affirmative were,

Messrs. Bradley, Claypool, Clements, Davis of Madison, Edmonson, Flannegan, Foulk, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Jackson, Lewis, Lingle, Mathers, Meeker, Millikin, Montague, Myers, Nees, O'Neal, Parker, Prilliman, Rich, Roberts, Simonson, Steele, Stratton, Summers, Sumner, Swihart, Thompson, Whight and Mr. Speaker.—37.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph Butler of

Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Denny, Dufour, Cooley, Cuppy, Davis of Sullivan, Edwards, English, Gorman, Hardin, Hawkins, Hodges, Huckaby, Johnson, Jones, Leslie, Logan, Lowe, Major, Marsh, Matheny, McCormick, Moore of Floyd, Moore of Owen, Nelson, Norvell, Osborn, Patrick, Peak, Proctor, Real, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Stewart, Strain, Tevis, Tingley Wheeler and Wilson—55.

So said bill was not ordered to be recommitted.

The question then recurring shall the bill pass?

And the ayes and noes having been demanded by Messrs. Whight and Clements:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Gorman, Hardin, Hawkins, Hodges, Huckaby, Johnson, Jones, Leslie, Logan, Lowe, Major, Marsh, McCormick, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Proctor, Real, Roberts, Robinson, Rose, Shoup, Sluss, Snook, Stewart, Swihart, Tevis, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bradley, Butler of V., Butterfield, Claypool, Clements, Davis of Madison, Edmonson, Flannegan, Foulke, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Jackson, Lewis, Lingle, Marvin, Matheny, Mathers, Meeker, Millikin, Mitchell, Montague, Myers, Nees, Parker, Prilliman, Rich, Simonson, Strain, Stratton, Summers, Sumner and Thompson—36.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gormm moved to reconsider the vote just taken on the final passage of the bill;

And the ayes and noes having been demanded by Messrs. Gorman and Whight:

Those who voted in the affirmative were,

Messrs. Bradley, Butterfield, Claypool, Clements, Cuppy, Davis of Madison, Edmonson, Flannegan, Fuller, Goodenow, Hargrove, Jackson, Lewis, Lingle, Marvin, Mathers, Meeker, Millikin, Montague, Myers, Nees, O'Neal, Parker, Prilliman, Rich, Shelby, Simonson, Steele, Stratton, Summers, Sumner, Thompson, Whight and Mr. Speaker—34.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of D., Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Campbell, Carter, Chrisman, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Foulk, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hodges, Huckaby, Johnson, Jones, Leslie, Logan, Lowe, Major, Marsh, Matheny, McCormick, Mitchell, Moore of F., Moore of O., Nelson, Norvell, Osborn, Patrick, Peak, Proctor, Real, Roberts, Robinson, Rose, Shoup, Sluss, Snook, Stewart, Strain, Swihart, Tevis, Tingley, Wheeler and Wilson—59.

So the House refused to reconsider said vote.

And on motion,

The House adjourned until half past 8 o'clock to-morrow morning.

FRIDAY MORNING, JANUARY 20, 1843.

The House met pursuant to adjournment.

Mr. Simonson moved to take from the table resolution of the Senate in relation to going into the election of United States' Senator;

Which motion prevailed.

Then said resolution was reciprocated by the House.

Ordered, That the clerk inform the Senate thereof.

PETITIONS WERE PRESENTED.

By Mr. Millikin;

Of citizens of Dearborn county, in relation to the canal at Lawrenceburgh;

Referred to the committee on canals and internal improvements.

By Mr. Campbell;

Of citizens of Porter county, in relation to the law regulating delinquent lands and for other purposes;

Referred to a select committee of Messrs. Campbell, Bradley and Jackson.

By Mr. Thompson;

Of Warran Cheever and others, in relation to a bridge across the Wabash river, in Wabash county;

Referred to the same select committee to which the same subject had been referred.

By Mr. Prilliman;

Of Smith Lownsburch, in relation to a certain saw mill therein named;

Referred to the judiciary committee.

Also, of citizens of Wells county, in relation to a certain State road therein named;

Referred to the committee on roads.

By Mr. Nees;

Of citizens of Clay county, praying the amendment of the school laws;

Referred to a select committee of Messrs. Nees, O'Neal and Gorman.

Also, of the same, in relation to the same subject ;

Referred to the same select committee.

By Mr. Swihart;

Of citizens of Clinton and Miami counties, praying the location of a certain State road therein named;

Referred to the committee on roads.

By Mr. Gorman;

Of Kinney, Wright & Gookins, asking relief as therein named;

Referred to the committee on canals and internal improvements.

By Mr. Nees;

Of citizens of Clay county, asking the re-location of the county seat of said county;

Referred to a select committee of Messrs. Nees, Davis of S., O'Neal, Roberts, Moore of O., Brown of M. and Hodges.

Also, of the same, in relation to the same subject;

Referred to the same select committee.

By Mr. Goodenow;

Of citizens of Jefferson county, praying bounties on silk;

Referred to the same select committee to which that subject had been heretofore referred.

Mr. Robinson, from the judiciary committee, made the following report:

MR. SPEAKER:

The said committee to whom was referred bill of the House No. 223, entitled a bill, to authorize county surveyors to take acknowledgment of deeds, have directed me to report the same back to the House and recommend its passage;

Said bill, mentioned in said report, was read a second time, and ordered to be engrossed for a third reading.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have examined bills of the House, No. 69, an act to amend an act, entitled an act, to amend an act to incorporate the Liverpool Bridge Company, and compared the enrolled with the engrossed bill of the House, and find it correctly enrolled.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined the following bills and joint resolution, to-wit:

No. 65. A joint resolution relative to the completion of the Wabash and Ohio canal;

No. 64. An act to appoint an inspector of salt in certain counties therein named;

And, on comparing them with the engrossed resolution and bill of the House, find them correctly enrolled.

Mr. Tingley, from a select committee, reported the following bill;

No. 268. A bill authorizing Smith Lounsberry to build a mill dam across the Salamonie river, and for other purposes;

Read a first time and passed to a second reading.

Mr. Shoup moved to reconsider the vote taken on the passage of No. 127. A bill to facilitate the final accounts of Milton Stapp, late Fund Commissioner;

Which motion was decided in the negative.

Mr. Myers, from the committee on military affairs, reported back bill of the Senate No. 48, an act to amend an act approved Jan. 31, 1842, entitled an act to amend an act entitled an act to organize the militia of Indiana, approved Feb. 10, 1831;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

REPORTS FROM SELECT COMMITTEES.

Mr. Whight reported,

No. 269. An act to locate a state road from the town of Evansville, in Vanderburgh county, to the town of Petersburg, in Pike county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Prilliman reported,

No. 270. A bill to locate a state road from Decatur to Liberty Mills;

Read a first and second times and referred to the committee on roads,

Mr. Nees reported,

No. 271. An act for the location of a state road in the counties of Clay and Owen;

Read a first and second times and referred to the committee on roads.

Mr. Clements, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred bill No. 180, entitled an act to regulate the pay of members of the General Assembly, have had the same under consideration, have made one amendment in accordance with the instructions of the House, and recommend its passage.

Which bill was read a second time and ordered to be engrossed for a third reading.

RESOLUTIONS.

Mr. Hargrove offered for adoption the following resolution:

Resolved, That this House will, (the Senate concurring therein,) proceed to the election of a commissioner of each of the several townships of land in Gibson and Monroe counties, on to-morrow, immediately after the conclusion of the ballotings for commissioner of the Wabash and Erie canal, west of Tippecanoe, and that the Senate be informed thereof, and their concurrence requested.

Which was laid on the table.

On motion of Mr. Moore of O.,

Resolved, That the committee on public expenditures be instructed to enquire of the Secretary, Auditor, and Treasurer, what each of them have received as salaries the present fiscal year; and how much as clerk hire; and how much by the way of perquisites of every order and description; and also to enquire of the Governor, in what way the "*thousand dollars*," set apart each year for contingent expenses, is paid out, or whether it is paid out yearly or not, or how much; and report the result of their examination to this House as soon as practicable.

On motion of Mr. Logan,

Resolved, That the clerks of this House be authorized to employ assistants, (when necessary,) in the discharge of their several duties.

BILLS INTRODUCED.

By Mr. Moore of Owen,

No. 272. A bill regulating the pay of assessors;

Read a first and second times and referred to the committee of ways and means.

By Mr. Peak,

No. 273. A bill for the relief of Martin county;

Read a first and second times and referred to the committee of ways and means.

Mr. Shoup offered the following resolution:

Resolved, That the Senate be requested to return to this House bill No. 127, of the House, entitled, "a bill to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner."

And the ayes and noes having been demanded by Messrs. Moore of O. and Shoup,

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Campbell, Carter, Clements, Cooley, Dufour, Edmonson, Fuller, Hargrove, Huckaby, Jackson, Johnson, Leslie, Lingle, Logan, Matheny, Moore of F., Moore of O., Nelson, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Shoup, Simonson, Sluss, Snook, Summers, Wheeler, Whight and Wilson.—35.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Chrisman, Claypool, Davis of M., Davis of Sullivan, Denny, Dunn, Edwards, English, Flannegan, Foulke, Gilbert, Goodenow, Hawkins, Hardin, Hiatt, Hillis, Hodges, Jones, Lee, Lewis, Lowe, Major, Marsh, Marvin, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Myers, Nees, Parker, Patrick, Real, Robinson, Rose, Shelby, Steele, Stewart, Strain, Stratton, Sumner, Swihart, Tevis, Thompson, Tingley, and Wheeler.—56.

So said resolution was not adopted.

ORDERS OF THE DAY.

No. 266. A bill to authorize the school commissioner of the county of Boon, to redeem certain certificates therein named;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 265. An act to amend an act entitled, "an act regulating the duties of clerks of the circuit courts and county auditors," approved January 31st, 1842;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 111, (of the Senate,) An act to locate a State road in the county of Switzerland and for other purposes;

Read a second time and referred to the committee on roads.

No. 41, (of the Senate,) An act amendatory of an act entitled "an act subjecting real and personal property to execution," approved February 15th, 1838;

Read a second time and referred to the judiciary committee.

No. 127, (of the Senate,) An act to amend an act entitled, "an act for the location of a certain State road therein named," approved January 31st, 1842 ;

Read a second time and referred to the committee on roads.

No. 128, (of the Senate,) An act to relocate a part of the Crawfordsville and Williamsport State road ;

Read a second time and referred to the committee on roads.

No. 126, (of the Senate,) An act to amend an act entitled, "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan Creek in Dearborn county," approved February 22d, 1840 ;

Read a second time and referred to a select committee of Messrs. Brown of D., Millikin and Lewis.

No. 261, (of the House,) A bill to establish the county of Burlington and for other purposes ;

Read and ordered to be engrossed for a third reading on to-morrow.

Mr. Robinson moved to take from the table,

No. —. A bill.

And the ayes and noes having been demanded by Messrs. Edwards and Robinson :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of White, Butler of Randolph, Campbell, Cooley, Davis of Madison, Flannegan, Francis, Gorman, Hawkins, Huckaby, Jackson, Leslie, Major, Marsh, Millikin, Myers, Parker, Proctor, Real, Roberts, Robinson, Simonson, Stratton, Summers, Tevis, Thompson, Wheeler and Wilson.—31.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Butler of Vanderburgh, Carter, Chrisman, Claypool, Clements, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, Edwards, English, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hillis, Hodges, Johnson, Jones, Lee, Lewis, Logan, Lowe, Marvin, McCormick, Meeker, Mitchell, Montague, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Rich, Rose, Shoup, Sluss, Snook, Steele, Stewart, Strain, Sumner, Swihart, Tingley, Whight and Mr. Speaker.—57.

So said motion was decided in the negative.

No. 259. A bill to extend the time for the treasurer of Clinton county to distrain property for the nonpayment of taxes ;

Read and referred to the committee of ways and means.

Mr. Clements moved to take from the table,

No. 191. A joint resolution authorizing the Treasurer of State to contract for a loan sufficient to meet the current expenses of the fiscal year;

Which motion prevailed.

Then Mr. Gorman moved to indefinitely postpone the same.

And the ayes and noes having been demanded by Messrs. Gorman and Matheny :

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Butler of Vanderburgh, Chrisman, Claypool, Coffin, Dufour, Edwards, Foulke, Goodenow, Gorman, Hiatt, Hillis, Jones, Lewis, Lingle, Meeker, Millikin, Mitchell, Moore of F., Moore of O., Nees, Nelson, Osborn, Peak, Rich, Roberts, Robinson, Rose, Sluss, Snook, Steele, Stratton, Summers, Thompson, Tingley, Wheeler and Mr. Speaker.—40.

Those who voted in the negative were,

Messrs. Bales, Brown of R., Butterfield, Carter, Clements, Cooley, Cuppy, Davis of M., Denny, Dunn, Edmonson, English, Flanagan, Francis, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Logan, Lowe, Marsh, Marvin, Mathers, McCormick, Montague, Myers, Norvell, O'Neal, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Stewart, Strain, Sumner, Swihart, Tevis, Whight, Williams and Wilson.—51.

So said motion did not prevail.

Mr. Simonson moved to refer the same to the committee of ways and means.

Mr. Clements moved that the same be referred with the following instructions :

That the committee of ways and means be instructed to report to this House their project for revenue, so that this House may be enabled to express its views on that subject.

Mr. Bradley moved to lay the bill and the pending instructions on the table;

Which motion was decided in the affirmative.

On motion of Mr. Brown of Marion,

Resolved, That the Senate be invited to attend instanter in the Hall of the House of Representatives, in order to proceed with the election of a canal commissioner for the Wabash and Erie canal west of the Tippecanoe river and that seats will be provided for them on the right of the Speaker's chair.

Ordered, That the clerk inform the Senate thereof.

The Senate came down from their chamber, and took their seats on the right of the Speaker's chair, the President of the Senate on the

right of the Speaker, when both Houses of the General Assembly proceeded by joint ballot, to the election of a canal commissioner on the Wabash and Erie canal west of the Tippecanoe river.

On counting the ballots, it appeared that,

James Blair	received	101	votes	for	said	office
Peter Martinau,	"	30	"	"	"	"
Scattering,	"	15	"	"	"	"

James Blair having received a majority of all the votes given was, by the President of the Senate in the presence of both Houses of the General Assembly, declared duly elected canal commissioner west of the Tippecanoe river, to serve as such for the term of two years from and after this day.

The Senate then returned to their chamber.

Mr. Butler of Vanderburgh moved to reconsider the vote taken on the engrossment of the bill No. 261 ;

And the ayes and noes having been demanded by Messrs. Robinson and Carter ;

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of Randolph, Butler of V., Claypool, Clements, Coffin, Cooley, Denny, Dufour, Edmonson, Edwards, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Johnson, Leslie, Major, Mathers, Meeker, Millikin, Mitchell, Montague, Nees, Nelson, O'Neal, Parker, Patrick, Peak, Proctor, Rose, Shelby, Simonson, Snook, Steele, Strain, Stratton, Sumner, Swihart, Tingley, Whight and Wilson.—50.

Those who voted in the negative were,

Messrs. Bradley, Brown of W., Butterfield, Campbell, Carter, Cuppy, Davis of Madison, Davis of Sullivan, Dunn, English, Flannegan, Francis, Fuller, Gilbert, Gorman, Hillis, Jones, Lee, Lewis, Lingle, Logan, Marsh, Marvin, McCormick, Moore of Owen, Myers, Osborn, Prilliman, Rich, Roberts, Robinson, Sluss, Stewart, Summers and Wheeler.—35.

So said vote was reconsidered.

Mr. Whight moved to lay the same on the table ;

And, on that question, the ayes and noes having been demanded by Messrs. Robinson and Gorman :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Claypool, Clements, Coffin, Denny, Dufour, Dunn, Edmonson, Edwards, Foulke, Gilbert, Hardin, Hawkins, Hiatt, Huckaby, Jackson, Johnson, Leslie, Lingle, Major, Mathers, Meeker,

Mitchell, Montague, Nees, Nelson, O'Neal, Parker, Patrick, Peak, Proctor, Shelby, Simonson, Snook, Steele, Strain, Sumner, Thompson, Tingley, Whight, Wilson and Mr. Speaker.—48.

Those who voted in the negative were,

Messrs. Bradley, Brown of W., Butterfield, Carter, Cooley, Chrisman, Cuppy, Davis of Madison, Davis of Sullivan, English, Flanagan, Francis, Gorman, Hillis, Hodges, Jones, Lewis, Logan, Lowe, Marsh, Marvin, McCormick, Millikin, Moore of Owen, Myers, Norvell, Osborn, Prilliman, Real, Rich, Roberts, Robinson, Rose, Shoup, Sluss, Stewart, Summers, Tevis, and Wheeler.—39.

So said bill was laid on the table.

BILLS ON A THIRD READING.

No. 219. A joint resolution in relation to the valuation of mills, manufactories propelled by water power;

Read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 238. An act for the relief of Henry Ingles, of Clay county;

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 108. An act to reduce the expenses of Putnam county, and for other purposes ;

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 244. An act for the relief the settlers on canal land ;

Read three several times and was lost on its passage.

Mr. Henley moved to reconsider the vote just taken on the passage of No. 244. An act for the relief of the settlers on canal lands ;

Which motion prevailed.

Then, on motion, the same was referred to the committee of ways and means.

The Speaker laid before the House the following communication from the Treasurer of State :

TREASURER'S OFFICE, }
January 16th, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

In answer to a resolution passed January 4th, I beg leave to report,
That there has been received into the Treasury for water rents on the Central canal during the year ending on the

31st October, 1842,	-	-	-	\$1,154 76
Since that period,	-	-	-	460 00

\$1,614 76

That the amount paid for repairs during the same period on the northern division is, - - - - \$1,694 20

That agent is John Burke, and that his wages have been fifteen dollars per month, and that he has received up to 1st October, one hundred and twenty dollars.

Respectfully submitted,
G. H. DUNN,
Treasurer.

Which was read and referred to the committee on canals and internal improvements.

The following message was received from the Senate, by Mr. Tanehill, a Senator :

Mr. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution thereof, entitled,

No. 76. A joint resolution providing for ascertaining the amount due contractors and laborers on the Madison and Indianapolis railroad and for paying the amount out of the suspended debt ;

In which I am instructed to request the concurrence of the House of Representatives.

Said joint resolution mentioned in said message was read a first and second times ; when,

Mr. Brown of Dearborn moved to lay the same on the table.

And, on that question, the ayes and noes having been demanded by Messrs. Shoup and German :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Coffin, Davis Sullivan, Denny, Dufour, Edmonson, Edwards, Foulke, Francis, Hodges, Huckaby, Lewis, Lingle, Logan, Lowe, Marsh, Meeker, Moore of O., Nees, Nelson, Norvell, Osborn, Peak, Prilliman, Proctor, Roberts, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Summers, Sumner, Whight and Wilson.—38.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of Madison, Dunn, Flannegan, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Leslie, Major, Math-

ers, McCormick, Millikin, Mitchell, Montague, Myers, Real, O'Neal, Rich, Robinson, Rose, Stewart, Strain, Stratton, Swihart, Tevis and Thompson.—43.

So said motion to lay on the table did not prevail.

On motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

When the House resumed the consideration of the joint resolution of the Senate, No. 76.

Mr. Shoup moved to amend the same by adding the following section :

SEC. —. That in like manner, as above provided, the sum of four hundred dollars be paid each to Emanuel Withers and C. T. Neynoke for damages done their mills, by the abstraction of water from the White-water river, as per award made by the board of internal improvements, and certified thereto by Philip Mason, late canal commissioner ;

Which motion prevailed.

Mr. Henley moved (Mr. Moore of Owen in the chair) to further amend as follows :

Provided, however, that no allowance shall be claimed from the State for any services rendered the Engineer in settling the aforesaid claims, or for any other expense or charge incurred in the carrying out the provisions of this act ;

Which motion was decided in the affirmative.

The question then recurring, shall said joint resolution be ordered to a third reading on to-morrow ;

And, on that question, the ayes and noes having been demanded by Messrs. Edwards and Lowe :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butterfield, Carter, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Dunn, English, Francis, Gilbert, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Jackson, Johnson, Jones, Lee, Major, Marsh, Marvin Matheny, Mathers, McCormick, Millikin, Montague, Moore of Floyd, Myers, Nelson, O'Neill, Patrick, Rich, Robinson, Shelby, Shoup, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis Thompson, Tingley, and Mr. Speaker.—56.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Brown of White, Campbell, Denny, Dufour, Edmonson, Edwards, Fuller, Gorman, Hodges, Huckaby, Leslie Lewis, Lingle, Logan, Lowe, Meeker, Moore of Owen, Nees, Norvell, Osborn, Peak, Prilliman, Proctor, Roberts, Rose, Simonson, Wheeler, Whight, and Wilson.—31.

So said joint resolution was ordered to a third reading on to-morrow.

Mr. Marvin asked and obtained leave to introduce the following:

That the report of Mr. Palmer, Agent of the State, appointed to examine the condition of the State Bank of Indiana, be referred to the committee on the State Bank, with the following instructions:

To examine said report, and if, in their opinion, they think that the said Bank has, by misconduct on her part, violated her charter, and that the same has become forfeited to the said State, and that it would be to the interest and well-being of the State and all others concerned in said institution that she should finally be wound up, and the affairs of said Bank be put in liquidation, that they report that fact to this House, without delay, by bill or otherwise.

Mr. Henley moved, (Mr. Moore of O. in the chair) to change the reference to a select committee;

Which motion prevailed.

Mr. Bradley moved to take from the table two resolutions of enquiry, in relation to said bank report, heretofore laid on the table;

Which motion prevailed.

When the chair announced the following as said select committee: Messrs. Marvin, Tevis, and Claypool.

Mr. Robinson moved that they be referred to the same select committee as the above resolution, and that the committee have power to send for persons and papers to examine into the questions worded in the said resolution.

The following message was received from the Senate by Mr. Maquire, their secretary:

MR. SPEAKER:

The Senate has adopted the following resolution, viz:

Resolved, That the Senate will, (the House concurring therein) observe the following order in the election of bank directors:

1. The election for a full term to fill the vacancy occasioned by the expiration of the term of Robert Morrison, Esq.

2. To fill the vacancy occasioned by the resignation of George P. Buell, Esq.

3. To fill the vacancy occasioned by the resignation of W. T. Jones, Esq.

Read and reciprocated.

Ordered, That the clerk inform the Senate thereof.

The House then proceeded, with closed doors, the lobbies having been cleared, to the election of a bank director of the State Bank of Indiana, to fill the vacancy, occasioned by the expiration of the term of service of Robert Morrison, Esq., Messrs. Hardin and Hawkins acting as tellers, and on counting the first ballot it appeared that

William Daily received	55 votes.
Robert Morrison “	41 “
Scattering	2 “

William Daily having received a majority of all the votes given was declared duly elected on the part of the House.

Ordered, That the clerk, by sealed message, inform the Senate thereof.

The following sealed message was received from the Senate by Mr. Maguire, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that, at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy of Robert Morrison, whose term of service will expire during the present session of the General Assembly, the doors of the Senate having been closed, William Daily received a majority of all the votes given and was consequently declared duly elected on the part of the Senate, to serve as such for the term of four years from and after the expiration of the term of service of the said Robert Morrison.

DOUGLASS MAGUIRE,
Principal Secretary of the Senate.

The House in like manner, proceeded to the election of a Bank director for the State of Indiana, to fill the vacancy occasioned by the resignation of the Hon. George P. Buell.

When, on counting the first ballot, it appeared that

Abel C. Pepper received	36 votes.
William Andrews “	28 votes.
Scattering	31 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a second balloting, when it appeared, on counting the votes, that

Abel C. Pepper received	39 votes.
William Andrews “	29 votes.
Scattering	28 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a third balloting, and, on counting the votes, it appeared that

Abel C. Pepper	received	33 votes.
William Andrews	"	33 votes.
Scattering		20 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a fourth balloting, when, on counting the votes, it appeared that

Abel C. Pepper	received	45 votes.
William Andrews	"	41 votes.
Scattering		10 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a fifth balloting, and, on counting the votes, it appeared that

Abel C. Pepper	received	51 votes.
William Andrews	"	46 votes.

Abel C. Pepper having received a majority of all the votes given, was declared duly elected on the part of the House.

Ordered, That the clerk, by sealed message, inform the Senate thereof.

The following sealed message was received from the Senate by Mr. Maguire, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that, at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of George P. Buell, the doors of the Senate being closed, Abel C. Pepper having received a majority of all the votes given in the Senate, was declared duly elected on the part of the Senate, to fill the vacancy of said George P. Buell, resigned.

D. MAGUIRE,
Secretary of the Senate.

The House then in like manner proceeded to the election of a bank director on the part of the State, to fill the vacancy occasioned by the resignation of the Hon. W. T. T. Jones, Esq.

And, on counting the first ballot, it appeared that

James P. Drake	received	23 votes.
William Andrews	"	34 votes.
Scattering		33 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a second balloting, when it appeared, on counting the votes, that

James P. Drake	received	44 votes.
William Andrews	"	34 votes.
Scattering		15 votes.

Neither of the gentlemen having received a majority of all the votes given, the House in like manner proceeded to a third balloting, and, on counting the votes, it appeared that

James P. Drake	received	56 votes.
William Andrews	"	27 votes.
Scattering		10 votes.

James P. Drake having received a majority of all the votes given, was declared duly elected on the part of the House.

Ordered, That the clerk, by sealed message, inform the Senate thereof.

The following sealed message of the Senate was received by Mr. Maguire, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that, at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing a director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of William T. T. Jones, the doors of the Senate being closed, James Spears having received a majority of all the votes given in the Senate, was declared duly elected on the part of the Senate to fill the vacancy of said W. T. T. Jones.

D. MAGUIRE,
Secretary of the Senate.

The two Houses not having agreed upon a choice to fill said vacancy, the House in like manner proceeded to a second separate balloting, and, on counting the votes, it appeared that

James P. Drake	received	65 votes.
William Andrews	"	19 votes.
Scattering		11 votes.

James P. Drake having received a majority of all the votes given, was declared duly elected on the part of the House.

Ordered, That the clerk inform the Senate thereof, by sealed message.

The following sealed message was received from the Senate by Mr. Maguire, their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election held by the Senate, in pursuance of a resolution of the Senate and House of Representatives, for the purpose of electing a Bank Director, to fill the vacancy occasioned by the resignation of William T. T. Jones, the doors of the Senate being closed, James Spears having received a majority of all the votes given, was

declared duly elected on the part of the Senate, to fill the vacancy of the said W. T. T. Jones, resigned.

Attest:

D. MAGUIRE,
Secretary of Senate.

So the two Houses not yet having agreed upon a choice, the House in like manner, proceeded to a third separate ballot, when on counting the votes, it appeared that

James P. Drake, had received	-	-	-	-	71
Scattering,	-	-	-	-	22

James P. Drake having received a majority of all the votes given, was declared duly elected on the part of the House.

Ordered, That the clerk inform the Senate thereof by sealed message.

The following sealed message was received from the Senate by Mr. Maguire their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election held by the Senate, in pursuance of a resolution of both Houses, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy occasioned by the resignation of Wm. T. T. Jones, Esq., the doors of the Senate being closed, James P. Drake having received a majority of all the votes, was declared duly elected on the part of the Senate, to fill the vacancy aforesaid.

Attest:

D. MAGUIRE,
Secretary of Senate.

James P. Drake having received a majority of all the votes given in both Houses, was declared duly elected to fill such vacancy.

And, on motion,

The House adjourned until to-morrow morning, 8½ o'clock.

SATURDAY MORNING, JAN. 21, 1843.

The House met pursuant to adjournment.

Samuel P. Mooney, Representative elect, to fill the vacancy occasioned by the decease of the Hon. Ezekiel L. Dunbar, of Jackson

county, appeared, produced his certificate, was sworn into office by Hon. Thomas J. Henley, Speaker of the House, and took his seat.

PETITIONS WERE THEN PRESENTED.

By Mr. Wheeler ;

Of citizens of Marshall county, asking the appointment of commissioners to view a certain State road therein named;

Referred to the committee on roads.

By Mr. Millikin;

The depositions of certain persons, in relation to the divorcement of Isaac Nelson from his wife Elsy;

Which was referred to the judiciary committee.

By Mr. Major;

Of citizens of Clinton and Miami counties, asking the location of a certain State road therein named;

Referred to the committee on roads.

By Mr. Brown of R.;

Of citizens of Rush county, asking the change of a certain State road therein named;

Referred to a select committee of Messrs. Brown of R., Lowe and Tingley.

REPORTS FROM STANDING COMMITTEES.

Mr. Rich, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of Jesse St. Clair and others, citizens of Clark county, on the subject of writs of execution, and the collection of debts, have had that subject under consideration, and have directed me to

REPORT,

That the prayer of the petitioners, that but one execution issue in twelve months, is but just and reasonable, but that the prayer of the petitioners asking that upon debts hereafter contracted, the remedy thereon, should be by law, made the same as to time on executions, &c., as the same was in the year 1841, if granted, would be making a distinction in these matters, which is not required by the country. It being the belief of the judiciary committee, that debts will be contracted in view of the facility of collection, they hold it sufficient that the law in this respect should be general. As the principal matters of the prayers, have been lately settled in accordance, as far as could be expected, with the views of a majority of the judi-

ary committee by this House, they would respectfully ask to be discharged from the further consideration of the subject.

Which report was read and concurred in.

Mr. Brown of M., chairman of the committee on the judiciary, reported the following bill:

No. 274. Entitled a bill to legalize the will of Rowland Hunter, deceased;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion,

Leave was granted to draw from the files the will and other documents relative to the estate of Rowland Hunter, deceased.

Mr. Matheny, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution on the subject of legitimate children, have had that subject under consideration, and have directed me to report it inexpedient to legislate on that subject and ask to be discharged from the further consideration of the same.

Which was read and concurred in.

Mr. Sluss, from the committee on roads, reported the following bill:

No. 276. An act to change a certain State road in Monroe county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Bowers, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill of the House of Representatives, No. 229, entitled an act to incorporate the German Lutheran and Reformed Church of the city of New Albany, have considered the provisions thereof, and have made the following amendments, in which I am directed to ask the concurrence of the House therein.

1st. Strike out (exclusive of improvements) in the 13th and 14th lines, and add:

Sec. 3. The stockholders of said corporation shall be personally liable for the debts thereof, and no transfer of stock or withdrawal from said society shall avoid liability for debts due or liability incurred at the time of such transfer;

Said amendments were concurred in.

And said bill read a second time and ordered to be engrossed for a third reading on to morrow.

Mr. Brown of R., from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill,

No. 224, to incorporate the Marion Band, in Grant county, have had that subject under consideration, and directed me to report the same back to the House with two amendments, and recommend its passage;

The amendments were concurred in, and said bill ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to which was referred a bill of the House,

No. 235. Entitled "a bill to provide for the construction of a railway in Laporte county, have had that subject under consideration, and directed me to report the same back with the following amendment, and ask the concurrence of the House therein:

Amend by striking out the 6th section and insert in lieu thereof the following section:

SEC. 6. The Buffalo and Mississippi railroad company may, if they deem it advisable, avail themselves of the provisions of this act, provided they give notice of such intention within ninety days from and after the passage of this act, and in case they do not determine to proceed to the completion of said railroad, then any company which may be formed under the provisions of this act shall, before they commence operations on said railroad, pay to the stockholder of the Buffalo and Mississippi railroad company the full amount of stock by them paid in and expended on said improvement; *Provided*, that nothing herein contained shall prevent any stockholder of the Buffalo and Mississippi railroad company from changing the amount of his stock, paid in for stock in any company which may be formed under the provisions of this act;

Which amendment was not concurred in.

Mr. Carter moved to recommit said bill mentioned in said report to the committee on canals and internal improvements;

Which motion did not prevail.

Mr. Bradley moved to amend the same as follows:

Provided, That this charter may be amended or repealed at any time by a vote of two-thirds of the Legislature.

Mr. Hargrove moved to amend the amendment as follows :
Strike out "two-thirds" and insert "a majority ;"

Which was adopted.

Then the amendment, as amended, was adopted.

The question then recurring, "shall the bill be engrossed for a third reading on to-morrow ;"

And the ayes and noes having been demanded by Messrs. Jackson and Bradley :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Carter, Claypool, Clements, Coffin, Cooley, Davis of Madison, Denny, Dunn, Flannegan, Foulke, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Jones, Lee, Lowe, Meeker, Montague, Myers, Nelson, Parker, Patrick, Prilliman, Real, Rich, Shelby, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and Wilson.—46.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Chrisman, Cuppy, Davis of Sullivan, Dufour, Mooney, Edmonson, Edwards, English, Fuller, Hardin, Hargrove, Jackson, Leslie, Lewis, Lingle, Logan, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Stewart, Whight and Mr. Speaker.—44.

So said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House,

No. 227. To incorporate the Delancy Academy in the town of Newburgh, Warrick county, Indiana, have had the same under consideration and directed me to report said bill back to the House with one amendment, and then recommend its passage.

Said amendment to bill No. 227, in said report mentioned, was read and concurred in ;

And the same was ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove, (chairman,) from the same committee, made the following report :

MR. SPEAKER:

The committee on corporations, to whom was referred bill of the House,

No. 236. To amend an act entitled, "an act to incorporate the Hagerstown canal company, approved February 14th, 1841, have had the same under consideration, and directed me to report said bill back to the House without amendment and recommend its passage.

Bill No. 236, in said report mentioned was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Roberts, from the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to whom was referred a bill,

No. 239. To incorporate the Vevay band of musicians, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

No. 239, in said report mentioned, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from His Excellency, the Governor, by Mr. I. H. Kiersted, his private secretary :

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives that on the 20th inst. he approved and signed the following act :

No. 52. An act to provide for the reception of certain treasury notes in payment of county revenue, and for other purposes ;

Which originated in the House of Representatives.

The Speaker laid before the House the following communication from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, }
January 20th, 1843. }

Hon. T. J. Henley :

SIR :—I herewith transmit, to be laid before the Legislature, a communication from J. J. Cohen, Jr., representing the late firm of J. J. Cohen, Jr. & Brothers, of the city of Baltimore. The communication has reference to a part of the suspended debt, which arose originally in consequence of the failure of the Messrs. Josephs of New York, to meet their engagements with the State. The grounds, so far as I understand them, which are assumed by the Messrs. Cohens,

in proposing the present adjustment, are these : They offered to take a State loan of a certain amount on their own responsibility ; at the earnest solicitation of the fund commissioner they consented to an increase of the amount of the loan, uniting in it with the Messrs. Josephs of New York, with whom the Messrs. Cohens had no business connection, but supposed all the obligations would be punctually discharged from the reputation which the Messrs. Josephs sustained. The Messrs. Josephs failed for a large amount, and thus embarrassed the firm of Cohen & Brothers. They insist that their entanglement with the Josephs the injury which their credit sustained by reason of their connection with this disastrous transaction, and the sacrifices which they have made to sustain themselves, and discharge their obligations to the State, have been the means of destroying their business, and rendering them unable to meet these obligations. They allege that if they had closed the contract for the loan as they at first offered, but which they changed, as they insist, at the urgent solicitation of the Agent of the State, they would have been able to have met promptly all their liabilities and sustained their credit. They desire an investigation of their accounts and the manner of their liability, with a view to settle and liquidate their debt, and close their transactions with the State.

Mr. J. J. Cohen is now at the seat of Government, and expresses a wish to appear before the committee to whom his communication may be referred, to make such explanations and submit such testimony as the nature of the case may require.

I cannot but hope that the subject will receive such consideration as will lead to a safe and satisfactory adjustment of the matters embraced in the accompanying communication.

I am, sir, most respectfully,

Your obedient servant,

SAM. BIGGER.

Which was read, and, on motion, referred to a select committee of Messrs. Simonson, Bradley, Patrick, English, Davis of Sullivan, Tingley and Robinson.

Mr. Edwards presented the memorial of Allen D. Thom relative to the location of the county seat of Crawford county ;

Which was referred to the same committee to which that subject had been heretofore referred.

Mr. Matheny, from the select committee on revision, made the following report :

MR. SPEAKER :

The committee on revision, to whom was referred bill,

No. 85. A bill regulating the issuing executions, on *fieri facias*, have had that subject under consideration, and have directed me to report that it is provided for in the revision ;

Which report was concurred in.

Mr. Matheny, from the same committee, made the following report:

MR. SPEAKER:

The committee on revision, to whom was referred a resolution on the subject of levying executions, have had that subject under consideration, and have directed me to report that a bill has passed this House that provides for this resolution, and ask to be discharged from the further consideration of this subject ;

Which was concurred in, and said committee discharged from the consideration of that subject.

Mr. Matheny, from the same committee, made the following report :

MR. SPEAKER:

The committee on revision, to whom was referred bill;

No. 15. Concerning petit jurors in certain counties therein named, have had that subject under consideration, and directed me to report the same back to the House, as provided for in the revision ;

Which report was read and concurred in.

Mr. Matheny, from the same committee, made the following report :

MR. SPEAKER:

The committee on revision, to whom was referred bill,

No. 129. In relation to the jurisdiction of justices of the peace in Johnson county, have had that subject under consideration, and have directed me to report that it is provided for in the revision, and ask to be discharged from the further consideration of the subject ;

Which report was read and concurred in, and said committee discharged from the further consideration of that subject.

Mr. Matheny, from the committee on the judiciary, made the following report :

MR. SPEAKER:

The judiciary committee, to whom was referred a bill,

No. 201. On the subject of a lien from the first day of the term of the court, have had that subject under consideration, and have directed me to report it back and recommend it to be laid on the table ;

Which report was read and concurred in.

Mr. Robinson, from the committee on the revision, made the following report :

MR. SPEAKER:

The committee on the revision of the laws, to whom was referred a bill of the House,

No. 121. Entitled "a bill to amend the several acts for the regulation of the State Prison, have had that bill under consideration, and in the opinion of that committee, the said bill should become a law. They, therefore, report the same back and recommend its passage.

Said bill No. 121, in said report mentioned, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The Speaker laid before the House the following communication from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, }
January 21st, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—The enclosed communication, though purporting to be from a private individual, relates to a subject of so much importance, that I have deemed it proper to transmit it to the House over which you preside, with an earnest request that the subject may receive that consideration to which it is justly entitled.

I have the honor to be,

Yours most respectfully,

SAM. BIGGER.

Which was read and referred to the committee on federal relations.

Mr. Lowe, from the select committee, reported the following bill :

No. 277. A bill regulating the granting of licenses in the county of Rush ;

Read a first and second times; when,

The same was amended by extending its provisions to the following counties:

Shelby, Spencer, Harrison, Scott, Warrick, Franklin, Greene, Delaware, Union, Dubois, Floyd, Cass and Marshall.

Mr. Carter moved to amend so as to make it a general law ;

Which was decided in the negative.

The question then being, shall the bill be engrossed for a third reading ;

Which was decided in the affirmative.

Mr. Hawkins, from the select committee on revision, reported bill,

No. 278. An act regulating the fees of clerks of the circuit courts in cases of naturalization ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hawkins, from the select committee on the revision, made the following report :

MR. SPEAKER:

The select committee on the revision of the laws, to which was referred bills of this House,

Nos. 27 and 46, have had the same under consideration, and have instructed me to report both bills back to the House without amendment and recommend their passage.

No. 27. A bill relating to the summoning petit jurors in Sullivan county.

No. 46. A bill to regulate the summoning and empannelling grand and petit jurors in the county of Fayette, referred to in the above report, were read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Millikin, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the bill of the Senate to amend the act authorizing Daniel J. Hancock and Isaac Hancock to build a bridge across South Hogan Creek in Dearborn county, have had the same under consideration and directed me to report it back to the House and recommend its passage.

Bill No. 126, (of the Senate,) An act to amend an act entitled, "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan Creek in Dearborn county," approved February 22d, 1840, in said report mentioned, was

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Thompson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred the petition of a large number of citizens of this State, both English and German, praying that the revised laws may be printed in German as well as English, have had that subject under consideration, and ask leave to

REPORT,

That they have ascertained that a very large number of German emigrants have already made Indiana their homes, and that many of them are unable to speak, much less to read English. Your committee, in common with every American citizen, are proud that these United

States afford shelter and protection to the oppressed of every nation, and furnishes a happy home to the honest and industrious of every tongue; and, as citizens of Indiana, we are proud to extend the hand of friendship to those of every land, who may desire to seek a home among us, and to none more cordially, than to the industrious Germans. We find on enquiry, that in several counties, near one third of the present population is composed of German emigrants, who by their great industry and economy, aided by the means which they brought with them, have become the owners of land, and bear an equal portion of the burthens of taxation with us.

We find too, that in addition to their habits of sobriety, industry, and morality, for which they are proverbial, that these emigrants bring to this country large amounts of the precious metals, all of which are expended in the improvement of the country. These facts are adverted to, to show that a State so much benefited by this class of foreign emigrants, would be wanting in her duty, if she did not at least provide them with a copy of her laws, in their own language; laws which affect their lives, liberty and property. It is unjust to ask these citizens to pay for the support of a Government, whose laws are a dead letter to them.

This is particularly the case with adults, and those more advanced in life. They cannot be expected to acquire a knowledge of our language; they have not the leisure, the wants of their families require all their time.

Hence these persons, who fell our forests, work our roads, pay towards the support of our Government, and stand bound by our laws to fight our battles, are deprived of the poor privilege of reading our laws. Nor do they ask it for nothing. They are willing to pay for it. They only ask the Legislature to have them printed in German, and they are willing to buy them. The German population, whether Catholic or Protestant, are all educated, and are emphatically a reading people. They have made the soil of freedom their home. Their past conduct is a sufficient guaranty that in all their pursuits and associations with the people of this country, they will continue to entitle themselves to confidence and encouragement. The same patriotic devotion, energy and patient perseverance, which has characterised their ancestors in the "Father Land," continues to animate them here.

Your committee therefore, in view of the interests of so large and respectable a portion of our population, are of the opinion that the prayer of the petitioners should be granted. They believe, aside from the justice of the measure, that it will result to the interest of the State. Certain it is, that it will be a great inducement to Germans to select Indiana in preference to other States, where those privileges are not afforded them. And thus our immense wilderness will soon be settled by an intelligent and industrious German population, who, by kind treatment, equal laws, equal rights, and from intermarriage, will

soon become one people with us. In view of results, so much desired, your committee have directed me to report the following bill:

Entitled a bill to print 2000 copies of the revised laws in the German language, and recommend its passage.

L. G. THOMPSON, Chairman.

No. 279. A bill to authorize the printing of 2000 copies of the revised laws in the German language, mentioned in said report;

Was read a first and second times; when

Mr. Robinson moved to extend the provisions of said bill to the county of Carroll, and to be furnished with fifty copies.

Mr. Henley moved to extend the same to the county of Clark, and that said county be furnished with fifty copies.

Mr. Edwards moved to amend as follows:

“Provided that counties that take copies of said law, shall pay the costs thereof.”

And the ayes and noes having been demanded on that motion, by Messrs. Roberts and Edwards:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of White, Carter, Claypool, Clements, Davis of S., Denny, Edwards, Goodenow, Hodges, Huckaby, Lingle, Logan, Marsh, Matheny, Meeker, Montague, Moore of Owen, Myers, O’Neal, Parker, Patrick, Peak, Roberts, Shelby, Sluss, Strain and Stratton—29.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Cooley, Cuppy, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Foulk, Francis, Fuller, Gilbert, Hargrove, Hiatt, Hillis, Hawkins, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lowe, Major, Mathers, McCormick, Millikin, Mooney, Moore of Floyd, Nees, Nelson, Norvell, Prilliman, Proctor, Real, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—62.

So said amendment was not adopted.

Mr. Moore of O., moved to amend by striking out “2000,” and insert “500;”

Mr. Steele moved to amend the amendment as follows:

“That those counties wishing them in proportion to their German population, as near as can be ascertained.”

Mr. Matheny moved the previous question;

Which was not seconded.

Mr. Bradley moved to amend the bill as follows:

"That the clerks of the respective counties be, and are hereby directed to furnish the Secretary of State, with the number of the German population in said county, and thereupon, there shall be distributed in each county a number of copies proportioned to the English copies as such German shall be to the English population, provided that there shall be 2000 German copies of said laws printed altogether."

Mr. Stratton moved to amend as follows:

Provided, That the Secretary of State shall not contract for the printing of said laws until the number proposed to be printed, shall first be subscribed for by citizens of the State, who may wish to receive them, and for the purpose of getting that subscription, it is hereby made the duty of the clerks of the several circuit courts in this State to advertise for six months immediately after the passage of this act, that subscriptions will be received at his office, during said six months for subscription for the same.

Said bill and pending amendments were then, on motion, referred to the judiciary committee.

Mr. Foulk, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred numerous petitions from the citizens of this State, praying a bounty on silk, have given the subject their consideration, and direct me to report the following bill and recommend its passage:

Mr. Robinson offered the following dissent from said report:

The undersigned, one of the said select committee, dissents from the above report, and opposes the bill reported by the majority of that committee.

A. L. ROBINSON.

No. 280. A bill for the encouragement of the growth and manufacture of silk, as referred to in the above report;

Was read a first time and ordered to a second reading on to-morrow.

Mr. Rich, from a select committee, reported the following bill:

No. 281. Entitled a bill in relation to granting of licenses in the counties of Jennings, Bartholomew and Scott;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gorman, from the select committee on revision, made the following report:

MR. SPEAKER:

The committee on revision, to which was referred a bill of the House entitled a bill, supplemental and amendatory to an act, subjecting real

and personal property to execution, approved Feb. 4th, 1841; approved Jan. 8th, 1842, have had the same under consideration, and have directed me to report, that the subject has been embraced in a bill that has passed this House at the present session, and ask to be discharged from the further consideration of the subject;

Also, bill No. 45. On the same subject, and directed me to make the same report;

Also, sundry resolutions adopted by the citizens of Sullivan county on the same subject, they have directed me to report, that so far as expedient, they have been provided for in the revision, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged from the further consideration of said subject.

Mr. Gorman, from the select committee on revision, reported the following bills:

No. 282. A bill supplemental to an act subjecting real and personal property to execution, approved Jan. 8th, 1842;

Read a first time and passed to a second reading on to-morrow.

No. 283. A bill to open the Bloomington and Salem road;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Swihart, from a select committee, reported bill,

No. 284. Entitled an act to incorporate the Wabash Bridge Company;

Read a first and second times and referred to the committee on corporations.

Mr. Rose, from a select committee, reported bill,

No. 285. Entitled an act to change certain alleys in the town of Eagle Village, Boon county;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Myers, from a select committee, reported bill,

No. 286. Entitled a bill for the location of a State road from Vincennes to Dicksburgh;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

RESOLUTIONS.

On motion of Mr. Davis of S.,

Resolved, That the Treasurer of State be, and he is hereby authorized to ascertain from the President of the State Bank whether the institution of over which he presides, will pay to the State the sum of eighty-five thousand dollars, in current bank funds, to be used by the State during this fiscal year, in such sums from time to time, as the wants of the Treasury may demand, provided the State will cancel her stock in the State Bank, over and above her original stock, say

about 437 thousand dollars, the Bank paying the residue of said surplus stock, in the bonds of the State, given for the advance of the 4th instalment of Surplus Revenue and Sinking Fund Treasury Notes.

On motion of Mr. Proctor,

Resolved, That the committee on education, be instructed to enquire into the expediency of providing for the office of superintendent of common schools, and defining his duties, and to report by bill or otherwise.

Mr. Shoup introduced joint resolution,

No. 287. Entitled a joint resolution relative to the re-valuation of property in this State;

Read a first and second times, when,

Mr. Lowe rose to a point of order, and moved to reject said joint resolution, the same subject having been before the House.

The Speaker (Mr. Edmonson in the chair) decided the same out of order, from which opinion of the chair, Mr. Shoup appealed to the House;

The question then being, shall the opinion of the chair stand as the judgment of the House;

And the ayes and noes having been demanded by Messrs. Huckaby and Shoup:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Clements, Davis of Madison, Denny, Dufour, Dunn, Edwards, English, Flannegan, Francis, Fuller, Gilbert, Goode-now, Gorman, Hawkins, Hiatt, Hillis, Hodges, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Matheny, Mathers, McCormick, Mitchell, Montague, Mooney, Nees, Nelson, Norvell, O'Neal, Parker, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tingley, Whight, Wilson and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Brown of Rush, Chrisman, Claypool, Coffin, Cooley, Cuppy, Huckaby, Jones, Meeker, Millikin, Moore of Owen, Osborn and Shoup—13.

So the House sustained the decision of the chair.

BILLS INTRODUCED.

By Mr. Henley, (Mr. Edmonson in the chair) introduced bill,

No. 287. Entitled a bill to amend an act entitled an act, concerning proceedings in ejectment, and for the relief of occupying claimants of land, approved Jan. 13th, 1831;

Read a first and second times and referred to the committee on the judiciary.

By Mr. Hodges:

No. 288. Entitled a bill relative to the jurisdiction of justices of the peace in Vigo county;

Read a first and second times;

And on motion,

The provision of said bill was extended to the counties of Marion, Boone and Decatur;

And on motion,

The same was laid on the table.

By Mr. McCormick:

No. 289. A bill to provide for the assessment of damages on the Wabash and Erie canal, west of the Tippecanoe river;

Read a first and second times and referred to the committee on canals and internal improvements.

By Mr. Clements:

No. 290. A bill to authorize the county board, of the county of Daviess, to appoint an agent to collect any funds due the last trustees of the town of Washington;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Mitchell:

No. 291. A bill for the relief of the people of Noble and Lagrange counties;

Read a first and second times, and referred to the committee on ways and means.

By Mr. Nees:

No. 292. An act for the relief of J. J. Benton and Joseph Luther;

Read a first and second times, and referred to the committee on canals and internal improvements.

By Mr. Robinson:

No. 293. Entitled a bill to authorize the building of a bridge across Deer Creek;

Read a first and second times, and referred to the committee on canals and internal improvements.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared bill of the House No. 154, "an act to incorporate the town of Portland, in the county of Jay, Indiana," with the engrossed bill and find the same correctly enrolled.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER:

The Senate has concurred in the first amendment of the House of Representatives, to the bill of the Senate, No. 67, being part 2d of the revision, with two amendments; and in the second amendment of the House, without amendment; in which amendments of the Senate to the first amendment of the House of Representatives, I am instructed to ask the concurrence of the House of Representatives.

The Senate has concurred in the amendment of the House of Representatives to the second amendment of the Senate, to bill of the House of Representatives, entitled

No. 120. An act abolishing Attorney's docket fees.

The Senate has passed without amendment engrossed bills of the House of Representatives, entitled

No. 154. An act to incorporate the town of Portland, in the county of Jay;

No. 254. An act declaring certain names a misprint;

No. 255. An act to authorize the board of commissioners of Tippecanoe county to sell the Poor House Farm in said county;

And also, with an amendment, an engrossed bill of the House of Representatives;

No. 196. An act concerning the trustees of the Presbyterian Church of Fort Wayne;

And also, engrossed bills of the Senate, entitled

No. 133. An act to provide for opening and repairing roads and highways in Posey county;

No. 135. An act regulating the time of holding probate courts in Allen county;

No. 136. An act to amend an act, entitled an act, to regulate the mode of summoning and empanneling grand and petit jurors, approved Feb. 17th, 1838;

In which amendment of the Senate to the bill of the House, and in the engrossed bills of the Senate, I am instructed to ask the concurrence of the House of Representatives.

No. 67. (Of the Senate) mentioned in said message, was read the first and second times, and was

Referred to a committee of the whole House, and made the order of the day for 2 o'clock, P. M.

No. 196. Of the House, mentioned in said message, was taken up, and the amendment of the Senate to said bill concurred in.

And, on motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The House then proceeded with the further consideration of the message of the Senate, upon which it was acting at its last adjournment.

No. 136. An act to amend an act entitled an act, to regulate the mode of summoning and empanneling grand and petit jurors, approved Feb. 17th, 1838; was taken up,

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Also, bill No. 133. An act to provide for opening and repairing roads and highways in Posey county;

Read a first time and passed to a second reading on to-morrow.

Also, bill No. 135. An act regulating the time of holding probate courts in Allen county;

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Tingley,

Leave of absence was granted the select committee on county boundaries, during the remainder of the day.

On motion of Mr. Robinson,

The House took up joint resolution No. 76, (of the Senate,) entitled,

"A joint resolution providing for ascertaining the amount due contractors and laborers on the Madison and Indianapolis railroad, and for paying the amount out of the suspended debt."

The chair announced the question to be, "shall the bill pass?"

And on that question the ayes and noes having been demanded by Messrs. Hillis and Moore of O:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Butler of Randolph, Carter, Chrisman, Claypool, Clements, Coffin Cooley, Davis of M., Davis of Sullivan, Flannegan, Francis, Goodenow, Hawkins, Hiatt, Hillis, Jackson, Jones, Lee, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Millikin, Mitchell, Mooney, Myers, Nelson, O'Neal, Parker, Patrick, Prilliman, Real, Rich, Robinson, Rose, Shelby, Shoup, Snook, Steele, Stewart, Strain, Summers, Tevis, Thompson, Tingley and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Brown of White, Butterfield, Campbell, Cuppy, Denny, Dufour, Edmonson, Edwards, Hargrove,

Hodges, Huckaby, Leslie, Lewis, Lingle, Lowe, Meeker, Moore of Owen, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss and Whight—27.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. McCormick, on leave granted, introduced the petition of J. G. Pollock and others, relative to the Wabash and Erie Canal;

Which was referred to the committee of ways and means.

On motion of Mr. Davis of S.,

The House resolved itself into a committee of the whole on the revision, (with Mr. Steele in the chair,) and after having spent some time therein, the committee rose, through its chairman reported progress, and asked leave to sit again.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole on that part of the revision which relates to the trust funds, (with Mr. Steele in the chair,) and after having spent some time therein, the committee rose, and through its chairman, reported that they had had the same under consideration, and directed me to report the same back to the House and recommend its passage.

And on motion,

The House adjourned until Monday morning, 8½ o'clock.

MONDAY MORNING, JAN. 23, 1843.

The House met pursuant to adjournment.

PETITIONS WERE THEN PRESENTED.

By Mr. Coffin;

Of James McLean, a deaf and dumb teacher of schools;

Which was referred to the same select committee to which that subject had been heretofore referred;

Also, of citizens of Parke county, relative to an additional precinct in said county;

Which was referred to a select committee of Messrs. Coffin, Steele and Bales.

By Mr. Hardin;

Of citizens of Johnson county, asking to have the proceedings of a certain school district in said county legalized;

Which was referred to a select committee of Messrs. Hardin, Jones and Brown of M.

By Mr. Brown of M. ;

Of Burke, Morris, and others, praying the reduction of certain rents therein named ;

Which was referred to a select committee of Messrs. Brown of M., Hardin, Johnson and Matheny.

By Mr. Prilliman ;

The remonstrance of citizens of Blackford county, in relation to a certain State road therein named ;

Which was referred to the committee on roads.

By Mr. Brown of M. ;

Of James Blades and others, relative to the White river bridge on the Michigan road ;

Which was referred to the same select committee to which the same subject had been heretofore referred.

By Mr. Bradley ;

Of citizens of Laporte county asking a premium on silk ;

Which, on his motion, was laid on the table.

Also of Griffin Treadway and 122 others, citizens of Laporte county, asking a change in the mode of levying and collecting taxes ;

Which was referred to the committee of ways and means.

Also, of John J. Crandal and 40 others, citizens of Laporte county, to abolish the office of school commissioner ;

And, on his motion, the same was laid on the table.

Also, the memorial of citizens of Laporte county, for an amendment of the town law of the town of Laporte ;

Which was referred to the committee on roads.

Mr. Davis of Sullivan presented sundry claims in relation to tract-books, &c. ;

Which was referred to the committee on claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Davis of Sullivan, chairman of the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to which was referred bill,

No. 244. For the relief of settlers on the canal lands, have had that subject under consideration and have directed me to report it back to the House and recommend its passage.

Bill No. 244, in said report mentioned, was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Wilson, from the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to which was referred a resolution of this House proposing the appropriation of twenty-five dollars for the purchase of books for the use of the prisoners in the State Prison, have had the same under consideration, and directed me to report a bill,

No. 294. To appropriate a certain sum of money for the purchase of books for the use of the prisoners in the State Prison.

Bill No. 294, in said report mentioned, was read a first time, and passed to a second reading on to-morrow.

Mr. Wilson, from the same committee, made the following report :

MR. SPEAKER:

The committee of ways and means, to which was referred a bill of the House,

No. 272. Regulating the pay of assessors, have had the same under consideration, and have directed me to report the same with one amendment, to wit :

After the word "dollar" in the first section insert, "and fifty cents."

The amendment in said report mentioned was concurred in, the bill read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Cuppy, from the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred bill,

No. 273. Entitled "a bill for the relief of Martin county," have had that subject under consideration, and directed me to report legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof.

Which report was read and concurred in, and said committee discharged from the further consideration of the same.

Mr. Goodenow, from the same committee, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House,

No. 259. Entitled "a bill to extend the time for the treasurer of Clinton county to distrain property for the nonpayment of taxes," have,

according to order, had the same under consideration, and have directed me to report the bill back to the House with one amendment and recommend its passage :

Strike out first day of June at the end of the first section and insert "first Monday in May."

The amendment in said report mentioned was concurred in, the bill read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. McGuire, their Principal Secretary :

MR. SPEAKER:

I am instructed by the Senate to return to the House the message of the House to the Senate of Friday last, on the subject of the Senatorial election, and respectfully communicate to the House the accompanying preamble and resolution of the Senate on the same subject :

Whereas, the Senate did, at the earliest usual time after the opening of the present session of this General Assembly, send to the House of Representatives a resolution, notifying the House that the Senate would, the House concurring, on a day designated, to-wit, the usual time, go into the election of a Senator to fill the vacancy that will be created by the expiration of the term of the Hon. Oliver H. Smith, which resolution was, by the House, laid on their table and never noticed afterwards: And, whereas, two subsequent efforts were made by the House to bring on said election, without giving the Senate much, if any, more than time sufficient for those Senators who were present to repair to the Representative Hall: And, whereas, the Senate did, in view of these facts, and with a sincere desire to bring on said election upon fair notice given, on Monday last, send to the House, a resolution declaring their willingness to go into said election on the next following Monday, (this day) in case the House would notify the Senate of their concurrence on or before Thursday last: And, whereas, said last named resolution was also by the House immediately laid on their table, and there kept, without any action being had thereon, until Friday last, when it was taken up and in form reciprocated, though then absolutely void to all intents and purposes: Therefore,

Resolved, That the Secretary of the Senate be instructed to immediately communicate a copy of this preamble and resolution to the House respectfully informing them, that self respect constrains the Senate to decline receiving said message of Friday last, stating that their said resolution had been reciprocated by the House, because the Senate cannot so regard it, and they, therefore, cannot go into said election on this day.

Mr. Simonson, (on leave granted) offered for adoption the following resolution:

Resolved, That the Senate be invited to attend in the Hall of the

House of Representatives, instanter, for the purpose of electing a United States Senator, pursuant to their resolution of the 18th inst., and that seats be provided them on the right of the Speaker's chair; and that the clerk inform the Senate thereof at precisely 10 o'clock, this day.

Which was adopted.

Mr. Henley, (Mr. Leslie in the chair) offered for adoption the following resolution:

Resolved, That the communication of the Senate, sent this morning, upon the subject of the election of a United States' Senator, be respectfully returned by the principal clerk of this House.

Mr. Davis of S. moved to lay said resolution on the table;

And the ayes and noes having been demanded by Messrs. Tingley and Edwards,

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of White, Butler of R., Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Stratton, Swihart, Wheeler, and Whight.—58.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee, Leslie, Mathers, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Steele, Strain, Summers, Sumner, Tevis, Thompson, Tingley, Wilson, and Mr. Speaker.—39.

So said resolution was laid on the table.

Mr. Norvell moved to reconsider the vote just taken on the adoption of the resolution, as offered by Mr. Henley;

And the ayes and noes having been demanded by Messrs. Edwards and Rich,

Those who voted in the affirmative were,

Messrs. Bowers, Butler of Vanderburgh, Chrisman, Claypool, Clements, Cooley, Davis of Madison, Denny, Flannegan, Francis, Hawkins, Hiatt, Hillis, Jones, Leslie, Marvin, Matheny, Montague, Norvell, Parker, Patrick, Real, Steele, Stewart, Strain, Summers, Sumner, Thompson, Wilson and Mr. Speaker.—31.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Coffin, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, Edwards, English, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hodges, Huckaby, Jackson, Lee, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Mathers, McCormick, Meeker, Millikin, Mitchell, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, O'Neill, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Stratton, Swihart, Tingley, Wheeler, and Whight.—64.

So said motion did not prevail.

On motion of Mr. Thompson,

Resolved, That the use of this Hall be tendered to the Rev. Mr. Shaw this and three successive evenings, at six o'clock, for the purpose of delivering a course of theological lectures.

On motion,

The House adjourned until 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment;

Mr. Simonson moved to take from the table the resolution of Mr. Henley, relative to returning to the Senate the message thereof, as reported this morning, in relation to the election of a United States' Senator:

Which motion prevailed.

The question then recurring upon the adoption of said resolution, And the ayes and noes having been demanded by Messrs. Wilson and Edwards,

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of R., Campbell, Carter, Chrisman, Clements, Coffin, Cooley, Davis of M., Davis of S., Dufour, Dunn, English, Gilbert, Gorman, Hardin, Jackson, Jones, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Norvell, O'Neill, Osborn, Peak, Roberts, Rose, Shoup, Simonson, Stewart, Wheeler, and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Bowers, Butler of Vanderburgh, Butterfield, Denny, Edwards, Foulke, Francis, Hawkins, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Montague, Parker, Patrick, Real, Rich, Steele, Strain, Stratton, Summers, and Wilson.—25.

So said resolution was adopted.

Mr. Tingley offered for adoption the following resolution:

Resolved, That the House will, the Senate concurring therein, proceed to elect, on to-morrow, (Tuesday,) at 10 o'clock, A. M., a United States' Senator, to fill the vacancy occasioned by the expiration of the term of the Hon. Oliver H. Smith.

Mr Wilson moved to amend by striking out "10, A. M.," and insert "two, P. M.;

Which was not agreed to.

Mr. Davis of S. moved to lay said resolution on the table;

And the ayes and noes having been demanded by Messrs. Edwards and Rich;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Butler of Randolph, Campbell, Carter, Cooley, Davis of Sullivan, Dufour, Edmonson, English, Flannegan, Jackson, Jones, Lewis, Major, Moon-ey, Nelson, Osborn, Prilliman, Simonson, Snook, Wheeler, and Mr. Speaker.—25.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Marion, Brown of White, Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edwards, Foulke, Francis, Gilbert, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Lee, Lingle, Logan, Lowe, Marsh, Marvin Matheny, Mathers, McCormick, Meeker, Millikin, Mitchell, Montague, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neill, Parker, Patrick, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Steele, Stewart, Strain, Stratton, Summers, Swihart, Tingley, and Wilson.—59.

So said motion was decided in the negative.

The resolution was then adopted by the House.

The following message was received from his Excellency, the Governor, by Mr. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by his Excellency, the Governor, to inform the House of Representatives, that on the 21st inst., he approved and signed the following acts:

No. 67. An act to amend an act, entitled, "an act to amend an act, entitled, 'an act to incorporate the Liverpool Bridge Company;'"

No. 64. An act to appoint an inspector of salt in certain counties therein named;

No. 18. An act for the relief of Catharine Mellville;

No. 28. An act to legalize the districting the county of Daviess into commissioner's districts, and for other purposes;

No. 35. An act to extend, in part, the provisions of an act entitled, an "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved, Jan. 31, 1842, to the counties of Elkhart, Jay, Adams, Blackford, Hamilton, Miami, and Wabash;

No. 200. An act to legalize the election of the trustees of the Jennings County Library;

No. 142. An act regulating the rate of tolls on the Wabash and Erie canal;

No. 117. An act to increase the width of the Frankfort road;

No. 82. An act relative to the water power at Northport, in Noble county;

Also, the following joint resolutions:

No. 65. A joint resolution relative to the completion of the Wabash and Ohio canal;

No. 48. A joint resolution relating to the construction of a harbor at Michigan City;

All of which originated in the House of Representatives.

Mr. Rich, from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred the petition of V. H. Minister and other citizens of Clark county, relative to state prison convicts and injured parties, have had that subject under consideration, and have directed me to report legislation inexpedient, and ask to be discharged from its further consideration.

Which report was read and concurred in.

Mr. Clements, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee to which was referred bill No. 293, to authorize the building of a bridge across Deer-creek, have had the same under consideration, and made the following amendment, in which they ask the concurrence of the House, and recommend its passage:

"After the word 'receivable,' in the 8th line of the 3d section, insert, *provided*, the same shall not cost over two hundred and fifty dollars;"

Which amendment was concurred in by the House, the bill read a

second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Clements, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER :

The committee on canals and internal improvements, to which was referred bill No. 170, entitled, a bill relative to the Logansport and Fort Wayne State road, have had the same under consideration, have made the following amendment thereto, and recommend its passage :

After the word "canal," in the 5th line, insert the following:—
"Provided, the work herein contemplated, does not exceed in cost 250 dollars ;"

Which amendment was concurred in,

The bill read a second time and ordered to be engrossed for a third reading to-morrow.

Mr. Stratton, chairman of the committee on federal relations, made the following report :

MR. SPEAKER :

The committee on federal relations, to whom was referred a resolution of this House, instructing said committee "to inquire into the expediency of memorializing Congress of the United States, to enact a law adopting the valuation law of this State, on all property that may be hereafter taken upon executions, on judgments, decrees, and orders of the supreme and district courts, for the district of Indiana ; and, also, to inquire into the expediency of memorializing Congress to enact a law abolishing imprisonment for debt," have had the subject under consideration, and find that the supreme court is organized under the constitution of the State of Indiana, and governed by the laws of said State alone, so far as the subject matter contained in the above resolution is concerned.

The committee are informed that the district court, for the district of Indiana, (under the laws of the United States now in force,) have adopted for their government the laws of this State, so far as a change is contemplated by said resolution.

Therefore, the committee deem any further legislation on the subject inexpedient at this time, and ask to be discharged from the further consideration of the subject.

Which report was read and concurred in.

Mr. Stratton, chairman of the same committee, made the following report :

MR. SPEAKER :

The committee on federal relations, to which was referred a com-

munication laid before this House, by his Excellency the Governor, in relation to the establishment of marine hospitals on the Mississippi and its tributaries, and the great Northern Lakes, for the benefit of the sick and disabled boatmen, have had that subject under consideration, and have directed me to report [the] following preamble and joint resolution, and recommend its passage :

No. 295. A joint resolution in relation to the establishment of marine hospitals on the Mississippi and its tributaries, and the great Northern Lakes, for the benefit of the sick and disabled boatmen ;

Read a first time and passed to a second reading on to-morrow.

Mr. Stratton, of the same committee, made the following report :

MR. SPEAKER :

The committee on federal relations, to which was referred a joint resolution of the Senate, No. 121, entitled, a joint resolution in relation to the territory of the United States, west of the Rocky Mountains, called Oregon territory, have had the same under consideration, and unanimously directed me to report the same back without amendment, and recommend its passage.

Joint resolution, (of the Senate,) No. 121, in said report mentioned, was read a first and second times, and passed to a third reading on to-morrow.

Mr. Matheny, a member of the select committee on the revision, made the following report :

MR. SPEAKER :

The committee on revision, to whom was referred bill No. 130, on the subject of the jurisdiction of justices of the peace, in the county of Boone, have had that subject under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, and recommend its indefinite postponement.

Bill No. 130, entitled, a bill regulating the jurisdiction of justices of the peace in the county of Boone, was read, and, on motion, laid on the table.

Mr. Matheny, a member of the select committee on revision, made the following report :

MR. SPEAKER :

The committee on revision, to whom was referred a resolution on the subject of selecting jurors, have had that subject under consideration, and have directed me to report, that it is provided for in the revision, and ask to be discharged from the further consideration of that subject.

Which report was read and concurred in by the House.

Mr. Matheny, a member of the select committee on the revision, made the following report :

MR. SPEAKER :

The committee on revision, to whom was referred a resolution on the subject of making the jurisdiction of justices of the peace uniform throughout the State, have had that subject under consideration, and have directed me to report, that it is provided for in the revision, and ask to be discharged from the further consideration of the subject.

The report was read and concurred in by the House.

Mr. Matheny, a member of the select committee on the revision, made the following report :

MR. SPEAKER :

The committee on revision, to whom was referred bill No. 60, a bill to regulate the jurisdiction of justices of the peace in Green county, have had that subject under consideration, and have directed me to report it back and ask to be discharged from the further consideration of that subject.

The bill, No. 60, in said report mentioned, was then, on motion, laid on the table.

Mr. Millikin, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom were referred sundry petitions and a remonstrance of the citizens of Dearborn and Ripley counties, on the subject of amending the charter of the Lawrenceburgh and Napoleon turnpike company, have had the same under consideration, and have directed me to report them back to the House and ask their reference to the appropriate committee, to-wit, the committee on corporations.

Which report was read and concurred in, and said petitions, &c., in said report mentioned, were then referred to the committee on corporations.

Mr. Brown of Rush, from a select committee, reported the following bill :

No. 296, entitled, a bill to change a certain State road in the county of Rush ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hawkins, a member of the select committee on revision, made the following report :

MR. SPEAKER :

The select committee on the revision of the laws, to which was referred resolutions of this House, on the subject of changing the probate system of this State, to provide for the election of prosecuting

attorneys by the people, and reducing the pay of associate judges, to one dollar per day, &c.

Also, on the subject of dispensing with a complete record in suits, have had the same under consideration, and have instructed me to report legislation upon the same unnecessary, as the subjects are in part provided for in the revision and laws that have passed this House, and ask to be discharged from the further consideration of the same.

Which report was read and concurred in by the House, and the committee discharged from the further consideration of that subject.

Mr. Hawkins, a member of the select committee on revision, made the following report :

MR. SPEAKER :

The select committee on the revision of the laws, to which was referred a resolution of this House, asking an amendment of the practice act, so as to require clerks to keep a calendar for all suits and process;

Also, a resolution in reference to the duties of clerks of probate courts, executors, and administrators, and probate judges, on claims against decedent estates;

Also, a resolution on the subject of malicious trespass, making it a penitentiary offence, (where the damage done exceeds fifty dollars,) have had the subject matter of the same under consideration, and have instructed me to report legislation upon those subjects inexpedient, and ask that the committee be discharged from the further consideration of the same.

Which report was read and concurred in by the House.

Mr. McCormick, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill of the House, No. 289, entitled, a bill to provide for the assessment of damages on the Wabash and Erie canal, west of Tippecanoe river, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its passage ;

Bill No. 289, in said report mentioned, was read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

RESOLUTIONS OFFERED.

Mr. Marvin, offered the following resolutions :

Resolved, That the President of the State Bank be requested to inform the House of Representatives, from what sources the estimated losses in the annual report of the State Bank was derived, and what

reliance can be placed on that estimate ; whether he is aware of any losses occasioned by usury or by discounting for persons out of the Branch district, or for favorites, whether notes are or have been renewed without curtailment, or payment of interest ; and if so, in what Branch, and to what extent. Also, what neglect there has been in the officers of the State board or the Branches, in the examination of the conduct of their officers, and what course has been taken by the State board to correct improper proceedings in the Branches.

Resolved, That said President be directed to communicate to this House his estimate of the losses to the citizens of the State, by the suspension of specie payment by the Bank, and the prices paid for exchanges, occasioned by such suspension. Also, his estimate of the future business and profits of the Bank to the State ; and also, that he be directed to communicate to this House the reason why the Branches have not discounted more of the Bank scrip, issued under and by virtue of a joint resolution of the last session of the General Assembly.

Be it further resolved, That said President be requested to explain and correct any matter contained in the report of the Agent of the State to examine the Bank, which he may think calculated to do injustice to said institution.

Mr. Robinson to amend as follows :

“And also, to report further how much the people of this State have lost by the depreciation of the paper of the State Bank of Indiana, during the suspension of specie payment by the said Bank since the month of May, A. D. 1837.”

Which amendment was accepted by the mover.

Mr. Tingley moved to amend as follows :

“To further report to this House how much money the people of Indiana have lost by the pet banks and shin-plaster machines of Ohio, Michigan, and Illinois, and by what political party these broken and insolvent institutions were chartered, and through whose advocacy small banking companies owe their birth and temporary existence.”

Which was not adopted.

Mr. Matheny, moved to amend as follows :

“That the President of the Bank inform this House what amount of interest the Bank has in those shaving shops in their immediate vicinity.”

Which was not adopted.

Mr. Brown of Marion, moved to amend as follows :

“And also to state whether any persons have been elected directors of any of the Branches, who have been engaged in the business of shaving, or loaning money at usury, or have been prosecuted and convicted for usury.”

Which was adopted.

Mr. Davis of Sullivan moved to amend by inserting the following:

That the President of the State Bank be requested to report to this House, the names of the borrowers who have obtained the *large*

loans and the *long loans* referred to in the third page of his annual report of the 7th of December, 1842, together with the date of each and the amount thereof, and names of endorsers and acceptors, and how long the whole, or any part, of each has run from the date of the original loan, and how often the same has been renewed, and the amount of curtailment and interest paid at each renewal.

Also, to report the cases of *special favors* to directors and stockholders, referred to by the President in the last paragraph of the third page of said report, together with the names of such *favorites*, including drawers, endorsers and acceptors, with the amount, date and time to run, of such loans to *favorites*, and whether the same has been renewed from time to time, and how often, and what amount of curtailment and interest has been paid at each renewal.

Also, what is the entire amount of notes and bills under protest and in suit in all the Branches of the State Bank, and if it shall exceed the amount of \$406,122 67, (being the amount of suspended debt mentioned in said report) state by what process paper under protest and in suit, is regarded as unsuspended.

Also, what amount of bank balances of broken banks, and of bank paper of broken banks is carried into the tables in said report at their full amount and face, and whether such statements are not calculated to mislead and deceive as to the true condition of the Bank.

Also, by what process the sum of \$260,847 invested in Banking Houses and other property, has depreciated but \$15,819, while the general depreciation of other property, over the whole country, has become three-fold per cent. over that estimated in said report.

Also, how much, and what amount, at each Branch, has been charged up to profit and loss of the original cost of such Banking Houses, and at what time.

Also, whether there has been any defalcation of Cashiers in any of the Branches, and if so, why has no intimation thereof been given in said report, and at what period did the abstraction of the funds in each case commence, and if not immediately detected, the cause thereof; and whether due diligence has been used in the examinations; and whether all the funds at each examination were faithfully and carefully counted and compared with the books; and how often has the President of the State Bank examined the Terre Haute Branch since the first of January, 1839;

Which was accepted by the mover.

Then the resolution, as amended, was adopted.

On motion of Mr. Bradley,

The House resumed the consideration of the following preamble and resolution, as offered by him, Jan. 12th, inst.:

Mr. Bradley introduced the following preamble and resolution :

WHEREAS, the report of the Agent to examine the State Bank, contains charges in a *general form* calculated to injure the institution, and bring censure and disgrace on all those who are concerned in it,

when those only who are guilty ought to be held up to public odium :
Therefore,

Resolved, That N. B. Palmer, the agent aforesaid, be requested to report to the House of Representatives, as early as practicable, the particular items by which the loss of \$642,188 61 has been, or will be, occasioned to the Bank, with the names of all the persons implicated in said losses, as principals, endorsers, or otherwise, and the sums that will be lost by each, and the names of all favorites and persons who have been permitted to renew their notes without curtailment or payment of interest, and the sums that are in litigation on taint of usury, and the names of insolvent or embarrassed Directors or officers of the Bank and Branches, and the instances and items of political interference and special favoritism by the Branch at South Bend, and the evidence thereof; and the name or names of the witness or witnesses, or the source of his information, and of such interference or favoritism in any other Branch.

Resolved, That the President of the State Bank be requested to communicate to this House as early as practicable his views of the losses of the Bank, by depreciated property, bad debts, &c., and any other matter in which he may conceive injustice has been done to the Bank in the report of the Agent of State, to examine the State Bank and Branches;

Which was then adopted.

On motion of Mr. Shoup,

Resolved, That the Auditor of State be directed to inform this House by what authority the valuation of property, for the purpose of taxation, has been reduced from \$9 00 to \$5 65, in the county of Rush.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Campbell :

No. 297. A joint resolution relative to the duty on foreign salt ;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

BILLS WERE INTRODUCED.

By Mr. Jackson :

No. 298. A bill to improve the Fort Wayne and South Bend State road in Elkhart county :

Read a first and second times and referred to the committee on roads.

By Mr. Mitchell :

No. 299. A bill to improve certain State roads therein named ;

Read a first and second times and referred to the committee on roads.

By Mr. Bradley :

No. 300. A bill relative to the church property of the Roman Catholic Church ;

Read a first and second times and referred to the committee on corporations.

By Mr. Myers :

No. 301. An act supplemental to an act entitled, "an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838 ;"

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

ORDERS OF THE DAY.

BILLS ON THEIR THIRD READING.—

No. 235. A bill to provide for the construction of a rail-way in Laporte county ;

Read three several times ; when,

Mr. Jackson moved to recommit said bill to the committee on corporations with the following instructions :

Strike out the sixth section and insert as follows :

Said company when formed under the provisions of this act shall, previous to their commencing the construction of said road pay, or secure to be paid, to the Buffalo and Mississippi railroad company, a fair compensation for the locating, and for the labor done on the railroad between Michigan city and the town of Laporte to be estimated by some competent engineer ;

Which motion prevailed.

Mr. Norvell moved to reconsider the vote just taken on the reference of bill No. 235.

And the ayes and nose having been demanded by Messrs. Bradley and Norvell :

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Butterfield, Carter, Claypool, Coffin, Cooley, Davis of Madison, Dunn, Edwards, English, Flannegan, Foulke, Gilbert, Goodenow, Hillis, Hodges, Huckaby, Jones, Lee, Mitchell, Montague, Mooney, Patrick, Parker, Rich, Simonson, Strain, Stratton, Thompson, Tingley and Wheeler.
—33.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Chrisman, Clements, Cuppy, Davis of S., Denny, Dufour, Edmonson, Francis, Fuller, Gorman, Hargrove, Jackson, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, Meeker, Moore of F., Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Snook, Stewart, Summers, Swihart, Tevis, Whight, Wilson and Mr. Speaker.—50.

So said vote was not reconsidered.

No. 46. An act to regulate the summoning and empanneling grand and petit jurors in the county of Fayette;

No. 277. An act relative to granting licenses in certain counties therein named;

No. 27. A bill relating to the summoning petit jurors in Sullivan county;

No. 265. An act to amend an act regulating the duties of clerks of the circuit courts and county auditors;

Were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 223. A bill to authorize county surveyors to take the acknowledgement of deeds ;

Read a third time and lost on its final passage.

No. 180. An act to regulate the pay of members of the General Assembly ;

Read three times ; when,

Mr. Claypool moved to recommit the bill to the committee, with instructions to reduce the per diem allowance of members of the General Assembly to two dollars.

And the ayes and noes having been demanded by Messrs. Gorman and Rich :

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Flannegan, Foulke, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Moony, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor,

Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Thompson, Wheeler, Whight, Wilson and Mr. Speaker.—77.

Those who voted in the negative were,

Messrs. Carter, Edmonson, Francis, Marsh, Millikin, Patrick, Stratton, Swihart, Tevis and Tingley.—10.

So said bill with the instructions was ordered to be recommitted.

No. 266. A bill to authorize the school commissioner of the county of Boon to redeem certain certificates therein named;

No. 121. A bill to amend the several acts for the regulation of the State prison;

No. 126, (of the Senate,) An act to amend an act entitled; "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan Creek in Dearborn county, approved February 22d, 1840;"

Were severally read three times and passed.

Ordered, That the Clerk inform the Senate the Senate thereof.

No. 229. An act to incorporate the German Lutheran and Reformed Church of the city of New Albany;

Read three times and referred to the committee on corporations.

No. 280. An act for the encouragement of the growth and manufacture of silk;

Read a first and second times and laid on the table.

No. 133, (of the Senate,) An act to provide for opening and repairing roads and highways in Posey county;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

No. 268. A bill authorizing Smith Lownsberry to build a mill dam across the Salamony river, and for other purposes;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 282. A bill supplemental to an act subjecting real and personal property to execution, approved January 8th, 1842;

Read a first and second times; when,

Mr. Brown moved to amend as follows:

On all judgments over ten dollars;

Which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, without amendment, engrossed bills of the House entitled,

No. 88. An act to legalize the acts of Isaac Tullis, late a justice of the peace for Rush county, Indiana.

No. 91. An act to provide for recording a State road in Sullivan and Vigo counties.

No. 100. An act for the relief of Job B. Eldridge, Thomas J. Cummings, and Isaac McCary, and for other purposes.

No. 105. An act to repeal all acts declaring White-water rivers navigable streams, except in the county of Dearborn.

No. 107. An act to reinstate a certain tract of seminary lands therein named.

No. 111. An act for the relief of Adam Clark, a justice of the peace.

No. 116. An act for the relief of the people of Huntington county.

No. 124. An act to provide for the collection of the tax on bank stock in the county of Dearborn.

No. 134. An act to repeal certain acts therein named.

Also engrossed bills of the Senate entitled as follows, viz :

No. 23. An act to repeal an act incorporating the town of Greensburgh, Decatur county.

No. 68. An act for the relief of Mary B. Brown, late Mary B. Bowles.

No. 70. An act to amend all the acts heretofore passed on the subject of electing an additional justice of the peace and constable in Morgan township, Harrison county.

No. 73. An act to incorporate the Greensburgh band.

No. 78. An act to authorize the board doing county business of the county of Knox to adjust all claims with and against the trustees of the late nominal Vincennes University, &c.

No. 84. An act amendatory to the act to incorporate the St. Joseph Iron company ;

In which bills of the Senate I am directed to request the concurrence of the House of Representatives.

No. 85. An act authorizing a company to construct a railroad from Muncietown to Fort Wayne ;

In which I am instructed to ask the concurrence of the House of Representatives.

No. 23, mentioned in said message was read a first time and passed to a second reading.

No. 68, mentioned in said message was read a first and second times and ordered to be engrossed for a third reading.

No. 70, mentioned in said message was read a first and second times and referred to a select committee of Messrs. Leslie, Wilson and Edwards.

No. 73, mentioned in said message was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 78, mentioned in said message was read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

No. 84 and 85, mentioned in said message was read a first time and passed to a second reading on to-morrow.

No. 262. A bill for the relief of the purchasers of the school lands; Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole on the revision, with Mr. Robinson in the chair.

And after having spent some time therein and made several amendments thereto, the committee rose, and through its chairman, reported that the committee had had under consideration sundry sections of the revision, &c. Said committee concurred generally in all of said amendments, except that part which related to vagrants ; which,

On motion of Mr. Simonson,

Was laid on the table ; and

Mr. Hargrove moved to recommit that part which relates to fences and fence viewers, with instructions to revise said law and make it more just and explicit ; but before any definite action was had thereon,

The House adjourned until one-half past 8 o'clock to-morrow morning.

TUESDAY MORNING, JAN. 24, 1843.

The House met pursuant to adjournment.

BILLS INTRODUCED.

By *Mr. Dufour* :

No. 302. A bill declaring a certain name a misprint, and for other purposes.

By *Mr. Shoup* :

No. 305. A bill to review a State road therein named.

Which bills were severally read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Osborn :

No. 303. An act to confine the voters of Union county to their respective townships and for other purposes ;

Read a first and second times, and amended by extending its provision to the counties of Porter, Lake and Franklin.

The bill was then ordered to be engrossed for a third reading on to-morrow.

By Mr. Mitchell :

No. 304. A bill to compel supervisors to expend moneys in their hands ;

Read a first and second times and referred to the committee on roads.

ORDERS OF THE DAY.

No. 295. A joint resolution in relation to the establishment of Marine hospitals on the Mississippi and its tributaries and the great northern lake, for the benefit of the sick and disabled boatman ;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 84, (of the Senate,) An act amendatory to the act entitled, " an act to incorporate the St. Joseph Iron Company ;"

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 23, (of the Senate,) A bill to repeal an act incorporating the town of Greensburgh, in Decatur county ;

Read a first and second times and passed to a third reading on to-morrow.

No. 85, (of the Senate,) A bill authorizing a company to construct a railroad from Muncietown to Fort Wayne ;

Read a first and second times and passed to a third reading on to-morrow.

No. 294. A bill to appropriate a certain sum of money for the purchase of books for the use of the prisoners in the State Prison ;

Read a first and second time, and passed to a third reading on to-morrow.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has reciprocated the resolution of the House of Representatives, providing for proceeding this day, (Tuesday, Jan. 24th,) at 10 o'clock A. M., to the election of a Senator of the United States to fill the vacancy which will occur on the 4th of March next, by the expiration of the term of service of the Hon. O. H. Smith.

BILLS ON THIRD READING.

No. 282. A bill supplemental to an act subjecting real and personal property to execution, approved January 8th, 1842;

No. 170. A bill relative to the Logansport and Fort Wayne State road;

No. 293. A bill to authorize the building of a bridge across Dear creek;

No. 121. (Of the Senate,) A joint resolution in relation to the territory of the United States, west of the Rocky Mountains, called Oregon Territory;

Which were severally read three times and passed.

Ordered. That the clerk inform the Senate thereof.

No. 272. A bill regulating the pay of assessors;

Read three several times and laid on the table.

No. 297. A joint resolution relative to the duty on foreign salt.

No. 289. A bill to provide for the assessment of damages on the Wabash and Erie canal, west of the Tippecanoe river.

No. 133. (Of the Senate) an act to provide for opening and repairing roads and highways in Posey county.

No. 68. (Of the Senate,) an act for the relief of Mary B. Brown, late Mary B. Bowle.

No. 78. (Of the Senate) authorizing the board doing county business of the county of Knox, to adjust all claims with and against the trustees of the late nominal Vincennes University, &c;

Which were severally read a third time and passed:

Ordered, That the clerk inform the Senate thereof.

On leave granted,

Mr. Hargrove, from the committee on federal relations, made the following report:

MR. SPEAKER:

The committee on federal relations to which was referred a resolution of this House, directing them to enquire whether the municipal regulations of many of the towns bordering on the Mississippi river, which require those of our citizens trading upon said river, in the surplus productions of Indiana, to take out a license, and after becoming stationary, to pay an *ad valorem* tax upon their boats and cargoes, before they are permitted to sell or dispose of their loading, as also, the exaction of enormous wharfage, even where no artificial wharves exist for the accommodation of such traders, is, or is not, incompatible with the Constitution of the United States, and the laws and ordinances of Congress, &c., have had that subject under consideration, and upon an examination thereof, are impressed with the full belief, that the restrictions and exactions imposed by most of the municipal or corporate authorities of the principal towns bordering upon said

river, is a violation of the Constitution of the United States, which delegates to Congress the power of regulating commerce among the several States, as also, the laws of Congress upon the subject of the free navigation of the Mississippi river, to the inhabitants of the United States, as an appendage to which the use of the natural banks of said river, to the navigator, is considered inherent. The committee, therefore, have directed me to report to the House a preamble and joint resolution upon that subject, and recommend its passage:

No. 306. A preamble and joint resolution in reference to the Mississippi trade;

Read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

On leave granted,

Mr. Dufour, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred the petition of Sundry citizens of Rush county, respecting the fees of clerks, have had the same under consideration, and having reported a bill regulating the fees and salaries of clerks, the committee have instructed me to report said petition back to the House, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

On leave granted,

Mr. Hawkins, from the select committee on revision, made the following report:

MR. SPEAKER:

The select committee on the revision of the laws, to which was referred the petition of Peter Dunkel and others of Cass county, praying the repeal of that part of the proviso to the 17th section of an act pointing out the mode of levying taxes, approved Feb. 12th, 1841.

Also, a resolution of this House upon the same subject, have had the same under consideration, and have instructed me to report legislation upon that subject inexpedient, and ask to be discharged from the further consideration of the same;

Which report was concurred in by the House.

On leave granted,

Mr. Brown of M., from a select committee, reported the following bill:

No. 307. A bill in relation to the northern division of the Central canal;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

On leave granted,

Mr. Gorman, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill No. 292, of the House, entitled a bill for the relief of Jesse J. Burton, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage:

No. 292. An act for the relief of J. J. Burton and Joseph Luther, mentioned in said report; was,

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hillis, (on leave granted) presented the petition of E. D. McMaster, and others, relative to the indebtedness of the State;

Which was referred to the committee of ways and means.

Mr. Hodges, (on leave granted) presented the petition of Cain Watson, in relation to damages sustained by reason of the construction of the Cross Cut canal, &c;

Which was referred to the committee on canals and internal improvements.

Mr. Millikin offered for adoption the following preamble and resolution:

WHEREAS, the law pointing out the duty of district treasurers, does not say who shall bring suit on their official bonds; therefore, be it

Resolved, That the committee on education be instructed to report an amendment to said law, remedying this defect;

Which was adopted.

Mr. Robinson, moved to take from the table bill No. 140;

And the ayes and noes having been demanded by Messrs. Edwards and Rich:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of White, Butler of Randolph, Campbell, Carter, Coffin, Cooley, Flannegan, Francis, Goodenow, Huckaby, Leslie, Major, Marsh, Marvin, Millikin, Myers, Osborn, Parker, Roberts, Robinson, Shelby, Shoup, Stewart, Summers, Thompson, Wheeler, Whight, and Williams—29.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Marion, Brown of Rush, Butterfield, Chrisman, Claypool, Clements, Cuppy, Davis of Madison, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Foulke, Fuller, Gilbert, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hod-

ges, Jackson, Lee, Lewis, Lingle, Logan, Lowe, Matheny, Mathers, McCormick, Meeker, Mitchell, Montague, Mooney, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Patrick, Peak, Prilliman, Real, Rich, Rose, Simonson, Sluss, Snook, Steele, Strain, Stratton, Sumner, Swihart, Tingley, Wilson and Mr. Speaker—63.

So said motion did not prevail.

On Motion of Mr. Rich,

The clerk proceeded with a call of the House ;

The absentees were,

Messrs. Johnson, Leyman, Parker and Tevis.

On motion of Mr. Butler of V.,

The further call of the House was suspended.

On leave granted,

Mr. Butler of V., from a select committee made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of sundry citizens of Vanderburgh county, asking for the passage of a law giving the election of county surveyors to the people, have had the subject under consideration, and have directed me to report the following bill:

No. 308. A bill authorizing the election of county surveyors by the people;

Read a first and second times and referred to the committee on revision.

On leave granted,

Mr. Whight, from the committee on ways and means, made the following report:

MR. SPEAKER:

The committee on ways and means to which was referred a petition of Geo. W. Lane, administrator of Arthur St. Clair, late of Dearborn county, in relation to a certain mortgage given by the said St. Clair, on a certain tract of land to the Lawrenceburgh and Indianapolis railroad, have had that subject under consideration, and directed me to report legislation on that subject inexpedient, and ask leave to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have examined bill of the House, No. 196, an act concerning the trustees of the Presbyterin Church of

Fort Wayne, and have compared engrossed bill of the House with said act, and find the same correctly enrolled.

On leave granted,

Mr. Thompson introduced bill,

No. 309. A bill to encourage Agricultural improvements in certain counties therein named ;

Read a first and second times and amended by adding the following counties:

Wells, Blackford, Huntington, Adams, Jay, Steuben, DeKalb, LaPorte, Kosciusko, Whitley, St. Joseph, Delaware and Elkhart.

On motion of Mr. Thompson,

The bill was considered as engrossed and read a third time.

And on motion of Mr. Matheny, was laid on the table.

On motion of Mr. Dufour,

Resolved, That the Senate be invited to attend instanter in the Hall of the House of Representatives to proceed to the election of a United States Senator to fill the vacancy which will be occasioned by the expiration of the term of service of the Hon. Oliver H. Smith ; and that seats be provided for them on the right of the Speaker's chair.

Whereupon, the Senate came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both Houses jointly proceeded by vote, *viva voce*, to the election of United States Senator ; and on the first vote,

The following members voted for Oliver H. Smith :

Messrs. Aker, Alexander, Bradley, Buell, Burk, Collet, Collins, Cornett, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, Hoover, Moffatt, Morgan, Mount, Odell, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Walpole, Watts, Wright, Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins. Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Williams and Wilson.—72.

Those who voted for Tilghman A. Howard were,

Messrs. Bright, Carr of J., Carr of L., Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, West, Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick,

Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—74.

Those who voted for Edward A. Hannegan were,

Messrs. Kelso, Norvell, and Tevis.—3.

Mr. Joseph G. Marshall received the vote of Mr. McGaughey.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a second vote ; which resulted as follows :

Those who voted for Oliver H. Smith were,

Messrs. Aker, Alexander, Bradley, Buell, Burk, Collett, Collins, Cornet, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, Hoover, McGaughey, Moffatt, Morgan, Mount, Odell, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Walpole, Watts, Wright, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Statton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—75.

Those who voted for Tilghman A. Howard were,

Messrs. Bright, Carr of Jackson, Carr of Lawrence, Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Kennedy, Miller, Mitchell, Parks, Read, Ritchey Shanks, Sinclear, Tannehill, West, Baker, Brown of D., Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—74.

Mr. Edward A. Hannegan received the vote of Mr. Kelso.—1.

No person having received a majority of all the votes, given both Houses proceeded in like manner to a third vote ; which resulted as follows :

Those who voted for Oliver H. Smith were,

Messrs. Aker, Alexander, Bradley, Buell, Burke, Collett, Collins, Cornet, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, McGaughey, Moffatt, Morgan, Mount, Odell, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Walpole, Watts, Wright, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—73.

Those who voted for Tilghman A. Howard were,

Messrs. Bright, Carr of Jackson, Carr of Lawrence, Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, West, Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of Owen, Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—73.

Those who voted for Edward A. Hannegan were,

Messrs. Kelso, Norvell and Sluss.—3.

Mr. William Hendricks received the vote of Mr. Hoover.—1

No person having received a majority of all the votes given, both Houses proceeded in like manner to a fourth vote ; which resulted as follows :

Those who voted for Oliver H. Smith were,

Messrs. Aker, Alexander, Bradley, Buell, Burk, Collett, Collins, Cornett, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, McGaughey, Moffatt, Morgan, Mount, Odell, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Watts, Wright, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker,

Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Wilson.—73.

Those who voted for Tilghman A. Howard were,

Messrs. Bright, Carr of Jackson, Carr of Lawrence, Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, West, Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White. Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—73.

Those who voted for Edward A. Hannegan were,

Messrs. Kelse and Norvell.—2.

Mr. William Hendricks received the vote of Mr. Hoover.—1.

Mr. Jonathan McCarty received the vote of Mr. Walpole.—1.

No person having received a majority of all the votes given, both Houses proceeded in like manner to a fifth vote ; which resulted as follows :

Those who voted for Oliver H. Smith were,

Messrs. Aker, Alexander, Bradley, Buell, Burk, Collett, Collins, Cornett, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, Moffatt, Morgan, Mount, Odell, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Watts, Wright, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley and Wilson.—70.

Those who voted for Tilghman A. Howard were,

Messrs. Bright, Carr of J., Carr of L., Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, West, Baker, Brown of Dear-

born, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—73.

Those who voted for Edward A. Hannegan were,

Messrs. Kelso and Norvell.—2.

Those who voted for Jonathan McCarty were,

Messrs. Hoover, Hawkins, McGaughey, Walpole and Williams.—5.

The President of the Senate then adjourned the convention to meet again at 2 o'clock P. M.

On motion,
The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The Senate again came into the Hall of the House, and in like manner, as before, proceeded to the election of United States Senator.

And on the sixth vote

Mr. Oliver H. Smith received the votes of,

Messrs. Aker, Alexander, Bradley, Burk, Collett, Collins, Cornett, Cotton, Defrees, Everts, Ewing, Farmer, Gregory, Hodge, McGaughey, Moffatt, Morgan, Mount, Parker, Pennington, Pitcher, Reeve, Sands, Stanford, Walpole, Watts, Wright, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Proctor, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Sumler, Thompson, Tingley, Williams and Wilson.—69.

Those who voted for Edward A. Hannegan were,

Messrs. Bright, Carr of J., Carr of L., Davis, Dobson, Duzan, Harris, Hetfield, Herriman, Hoover, Kelso, Kennedy, Miller, Mitchell, Parks, Read, Ritchey, Shanks, Sinclear, Tannehill, West, Baker, Brown, of D., Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Mooney, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Leyman, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—76.

Those who voted for Joseph G. Marshall were,

Messrs. Buell, Odell, Hillis and Sluss.—4.

Mr. T. A. Howard received the vote of Mr. Tevis—1.

Edward A. Hannegan having received a majority of all the votes given was, by the President of the Senate in presence of both Houses, declared duly elected Senator of the United States from the State of Indiana, to serve as such for the term of six years, from and after the fourth day of March next.

The Senate then retired to their chamber.

On motion,

The House adjourned till half past 8 o'clock to-morrow morning.

WEDNESDAY MORNING, JAN. 25, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Swihart;

The petition of divers citizens of the counties of Wabash and Huntington, asking for the location of a State road as therein named;

Which was referred to a select committee of Messrs. Swihart, Prilliman and Thompson.

By Mr. Simonson ;

The petition of Samuel Runnals and others, to erect that part of the town of Charlestown south-west of Walnut street into a separate municipality ;

Which was referred to a select committee of Messrs. Robinson, English and Simonson.

By Mr. Nees:

The petition of James West and others, of the county of Clay, praying a change in a state road as therein named;

Which was referred to a select committee of Messrs. Nees, O'Neill, and Davis of S.

Also, the petition of Oliver Cromwell and others of the county of Clay, praying for the location of a state road as therein named;

Which was referred to the delegation from the counties of Clay, Vigo, and Putnam.

By Mr. Real;

The petition of James Johnson and others, of the county of Putnam, in relation to a state road as therein named;

Which was referred to the delegation from the counties of Putnam, Vigo, and Clay.

By Mr. Jackson;

The petition of Jonathan Wyland praying the Legislature to authorize him to build a mill dam across Elkhart river;

Which was referred to the same committee to which similar petitions have heretofore been referred.

REPORTS FROM SELECT COMMITTEES.

Mr. Leslie, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred bill of the Senate, No. 70, entitled, a bill to amend all the acts heretofore passed on the subject of electing an additional justice of the peace and constable, in and for Morgan township in the county of Harrison, have had the same under consideration, and have directed me to report the same back with one amendment:

Add the following to the bill:

Provided, That nothing herein contained shall be so construed as to operate as a repeal of any of the provisions of the acts to which this is an amendment.

Which amendment was concurred in.

The bill [was then] read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

RESOLUTIONS OFFERED.

On motion of Mr. Marvin,

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the law regulating public roads and highways, so as to give the boards doing county business a discretionary power to decrease the width of county roads in the several counties in this State, when, in their judgment, they think such a change would not be incompatible with the public interest: *And provided further*, That such change be upon the petition of a majority of the citizens immediately interested in such change.

Provided also, That such decrease in the width of any road shall not lessen the width more than 10 feet; and to report by bill or otherwise.

On motion of Mr. Proctor,

Resolved, That the committee on agriculture be instructed to enquire into the expediency of exempting from taxation, all property, whether real or personal, employed in producing or manufacturing silk, hemp, tobacco, or cornstalk sugar and molasses, and report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Peak;

No. 310. A bill to open a state road in Daviess, Martin and Orange counties;

Read a first and second times and referred to the committee on roads.

By Mr. Stratton;

No. 311. An act supplemental to an act entitled, "an act to incorporate the town of Centreville, Wayne county, Indiana, app. 31st Jan. 1834;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Jackson;

No. 312. A bill to vacate part of a state road in Elkhart county;

Read a first and second times and referred to the committee on roads.

ORDERS OF THE DAY.

No. 295. A joint resolution in relation to the establishment of marine hospitals on the Mississippi and its tributaries, and the great northern lakes, for the benefit of the sick and disabled boatmen;

No. 23. (Of the Senate.) An act to repeal an act incorporating the town of Greensburgh, in Decatur county;

No. 85. (Of the Senate.) An act to authorize a company to construct a railroad from Muncietown to Fort Wayne;

No. 294. A bill to appropriate a certain sum of money for the purchase of books for the use of the prisoners in the state prison;

No. 303. An act to confine the voters of Union county to their respective townships, and for other purposes;

No. 306. A joint resolution in relation to the Mississippi trade;
All of which were read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire, their principal secretary;

Which was taken up:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, [as follows] :

No. 190. An act authorizing a subscription for the history of the State of Indiana;

No. 243. An act to change the time of holding Probate courts in Jay county;

The first named without amendment, and the last named with one amendment, in which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed engrossed bills thereof, entitled as follows, viz:

No. 54. An act to regulate the sale of real estate by executors, administrators, or guardians;

No. 55. An act amendatory of an act regulating the practice in chancery, app. Feb. 10th, 1831;

No. 61. An act to amend an act entitled, "an act for the relief of Huntington county, app. Jan. 25th, 1842;

No. 63. An act to provide for the collection of a township tax by the county treasurers in certain counties;

In which the concurrence of the House is respectfully requested.

No. 243. An act to change the time of holding Probate courts in Jay county;

Was taken up and the amendment of the Senate thereto concurred in.

Nos. 54 and 61 of the Senate, mentioned in said message, were read a first time and passed to a second reading on to-morrow.

No. 55, of the Senate, mentioned in said message, was read a first and second times and referred to the committee on revision.

No. 63, mentioned in said message, was read a first and second times, when the same was amended,

On motion of Mr. Jackson,

As [follows] : Amend the first section by striking out the words, "named in an," and insert "that comes within the purview of,"

And ordered to a third reading on to-morrow.

Mr. Carter, a member of the committee on canals and internal improvements, reported the following bill:

No. 313.

Read a first time and passed to a second reading on to-morrow.

Mr. Bales, from a select committee, reported the following bill;

No. 314. An act to incorporate the Perrysville canal lock company;

Read a first and second times and referred to the committee on canals and internal improvements.

On motion of Mr. Robinson,

The committee of the whole House was discharged from the further consideration of part second of the revision; and the House concurred in the amendment as made by the committee of the whole to part second of the revision.

Mr. Davis of S., chairman of the committee of ways and means, made the following report;

Mr. SPEAKER :

The Committee of Ways and Means, whose duty it is to examine into the state of the public offices, and the condition of the finances of the State, have performed that duty, and have directed me to submit this as their annual report:

The offices of the Auditor of Public Accounts and Treasurer of State, have been examined with some degree of minuteness and care, and so far as the accuracy of keeping their respective accounts is concerned, the committee have no accusation to allege or fault to find; every facility has been afforded to the committee in the discharge of their duty by these officers.

It is far from giving any pleasure to the committee to even call the attention of the House to the embarrassed state of the Treasury, if such were not their imperative duty; nor does it in any wise become the committee to evade the responsibility of exhibiting a candid statement of the condition of our finances, however onerous and unpalatable such an exhibit may be. By the subjoined statements and estimates it will be perceived, that a deficiency exists in the Treasury to the amount of about eighty five thousand dollars. This deficit is brought about by the taxes of 1841, being principally paid in Treasury Notes, (and the tax of 1842 will doubtless every dollar be paid in the same kind of funds.) The amount of which the committee in the discharge of their duty find to be of the following description and amounts. These Treasury Notes have all been mutilated, and would have been entirely destroyed, but for the fact that a large proportion of them have not been cancelled upon the register, but will be burned according to law so soon as they can be cancelled.

Scrip of various kinds mutilated by the committee:

1. A lot of internal improvement Treasury notes, principal charged at, - - - -	\$332,390 00
Interest thereon allowed, - - - -	27,319 00
2. A lot of the same exchanged for Illinois paper, and interest thereon, - - - -	15,790 00
3. A lot of the same received from the Wabash and Erie Canal, east of Tippecanoe, - -	4,725 00
4. A lot of five per cent. scrip redeemed at Sink- ing Fund, - - - -	46,350 00
Interest charged thereon, - - - -	315 76
5. A lot of Wabash and Erie Canal scrip, east of Tippecanoe river, - - - -	33,452 11
Interest thereon, - - - -	2,913 41
6. A lot of Wabash and Erie Canal scrip, west of Tippecanoe, - - - -	29,255 00
	<hr/>
	<u>\$492,510 28</u>

The committee have also counted and mutilated \$41,250 of Treasury Notes, received in exchange by the Treasurer for $\frac{1}{4}$ per cent. Scrip. Also, \$5,600 of Treasury Notes, which with \$401,33 interest thereon, were exchanged for seven per cent. bonds.

Sum total mutilated by the committee, \$539,761 61.

The manner in which these various kinds of Scrip were mutilated, was by punching two holes through each of the small bills about half an inch in diameter, and three holes of the same size, through the fifty dollar bills.

In estimating the sum total of Indiana's indebtedness, including both foreign and domestic liabilities, there is one fact presents itself that speaks volumes in favor of the resources of the State, and gives indubitable evidence of an inherent recuperative power to assume her solvent position by freeing herself from indebtedness, (see Treasurer's report, pages 6 & 7) which shows that notwithstanding the extensive embarrassment of the State; her want of a circulating medium; the depressed state of all the markets presented for the products of her citizens, and the general distress which pervades every part of her territory, with an annual interest accruing against her of more than half a million of dollars; yet it will be found that Indiana, on the first of January, 1843, owed a half a million of dollars less than she did in January, 1842, as will appear by the following exhibit. The committee have not thought it necessary to present a detailed statement of our foreign liabilities, number of bonds outstanding, &c.; such detail would swell this report to an unusual length, and all these details are fully set forth in the report of the Auditor of Public Accounts, and Agent of State, to which the committee begs leave, respectfully to refer the House.

The annual interest on the public debt, unprovided for, is stated in the Auditor's report, (page 45) at \$522,270 00.

By means of the Lawrenceburgh and Indianapolis Railroad Company, State bonds and coupons have been paid amounting to, (see Treasurer's report, page five),	-	-	-	\$179,982 00
Redeemed by N. Noble, Fund Commissioner, and filed in Treasurer's office, bonds, (see Treasurer's report, page 6),	-	-	-	209,000 00
Redeemed by M. G. Bright, State Agent, (see his report, page 13),	-	-	-	110,000 00
Interest on State Bonds retained by the United States, (see Treasurer's report, page 8),	-	-	-	13,975 00
Six per cent. Bonds redeemed by application surplus dividends of bank stock,	-	-	-	35,707 00
Making in all,				\$548,564 00
To which add the sum of Treasury Notes mutilated at the Treasurer's office,	-	-	-	492,510 28
Whole amount paid by Indiana of her debt within the last year,				<u>\$1,041,074 28</u>

The committee in making up the estimates for the year 1843, have had some reference to reduction of fees and salaries generally throughout the State; though the estimates for said year are sufficiently large to meet the economical current expenses, if no reduction should be made. In calling the attention of the House to the necessity of such reduction, it is the duty of the committee to give some reasonable data for suggesting such change. It will be recollected that the rates of fees and salaries as they now stand, including pay to members of the Legislature, were most of them raised to their present standard in the year 1838, when produce and all the necessaries of life were bringing in the market not less than double their present price. *Then* all officers, Executive, Legislative, and Judicial, in the employ of the State, could save no more from their salaries when so raised than they now can, after a reasonable reduction of their present pay. And the farmers of the State, from whom the principal support of the State officers must come, are now receiving not more, on an average, than one half for all the products of their farms, that they then received. So that it would seem but justice to the great body of the people, that the tax imposed upon them for the support of their State government, should be so reduced as to comport to some extent with the distress of the country, the scarcity of money, and the general inability to meet the demands of even an economical assessment. If the fees of officers in subordinate stations are reduced in a ratio corresponding to the salaries of officers of a higher grade, it will at least indirectly relieve many of our citizens from the onerous burdens now imposed upon them in

the way of costs and fees, and no injustice can accrue to the office holder, because 50 cents in fees now is worth quite as much in the purchase of all the necessities of life as one dollar was five years ago. Justice to our constituents, and justice to their burdens, dictate in the opinion of your committee, in the most unequivocal manner, that a reduction should be made in every instance, where the public service and a due administration of the laws will permit.

In view of all the facts, the committee have not thought proper to increase the annual tax, as levied by the law of last year; but have herewith reported a bill to apportion five cents for the current expenses of the fiscal year, and fifteen cents for the redemption of Treasury Notes. The amount estimated for the expenses of the current year have been stated by the Auditor at \$114,200 00. The committee think that the items of Public Printing, Stationary, and Legislative expenses may be so reduced, that the whole expenditure may be brought to about \$104,200 00, as follows:

Public Printing,	-	-	-	-	-	\$12,000 00
Distributing Laws and Journals,	-	-	-	-	-	700 00
Stationary for General Assembly and Public Officers,	-	-	-	-	-	6,000 00
General Assembly,	-	-	-	-	-	35,000 00
Executive,	-	-	-	-	-	6,100 00
Prosecutors,	-	-	-	-	-	1,700 00
Judiciary,	-	-	-	-	-	15,500 00
Probate,	-	-	-	-	-	4,500 00
Militia,	-	-	-	-	-	200 00
State House,	-	-	-	-	-	3,000 00
State Library,	-	-	-	-	-	700 00
Transportation of Convicts,	-	-	-	-	-	1,800 00
New State Prison,	-	-	-	-	-	10,000 00
Specific,	-	-	-	-	-	6,000 00
Contingent,	-	-	-	-	-	1,000 00
						<hr/>
						\$104,200 00
Outstanding balances of last year,	-	-	-	-	-	24,000 00
						<hr/>
						\$128,200 00

To meet this expenditure, a tax of five cents on the one hundred dollars, and the ordinary poll tax, will be sufficient in amount; but payable, as it is, in Treasury Notes, it will not be available for the purpose; and it is therefore proposed to rely on the following items to meet the current expenses of the year:

1. The amount received from the United States, on account of the distribution of the proceeds of the public lands,	-	-	-	-	\$12,902 66
Two per cent. premium received by the Treasurer on draft for the above,	-	-	-	-	258 05

2. Amount of Three per cent. fund due the State for 1841 and '42, deducting therefrom enough to pay the counties for arrears of 1840,	-	-	6,780	15
3. Amount of common school fund levied from Bank tax of 12½ on a share remaining now in Bank,			14,010	77
4. Twenty per cent. on \$437,450 of bank stock, proposed to be cancelled, to be paid in good funds,			87,490	00

\$121,441 63

Claims that will likely remain unaudited at the close of the current year,	-	-	-	-	12,000	00
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\$133,441 63

To give the Treasury control over the three per cent. fund, bank tax fund, and cancelling certain stock in the State Bank, owned by the State, as proposed above, the committee herewith report bills.

The following was found to be the state of the Treasury, as appears by the examination of the committee up to 1st of January, 1843.

Cash in Scrip mutilated by Committee,	-	-	\$539,761	61
Amount of quarter per cent. Scrip,	-	-	28,750	00
Wabash and Erie Canal Scrip, west of Tippecanoe,			30,150	00
“ “ east “			1,340	00
Outstanding warrants,	-	-	2,711	25
Warrants paid since 1st of January,	-	-	3,389	00
Advances to members,	-	-	8,782	26
Advances on Internal Improvement,	-	-	16,725	54
Advances to officers, and for stationary,	-	-	12,053	00
Balances in Branch Banks,	-	-	6,593	25
Cash on hand,	-	-	5,008	42
Total amount of funds on hand,	-	-	\$655,264	33

Amount charged up against the Treasury by Auditor, up to January 1st, 1843, see estimate herewith submitted, No. 1. \$655,264 33

The committee herewith submit sundry estimates and tables, founded upon information derived from Auditor and Treasurer.

No. 1, is a statement of the receipts and expenditures at the Treasury, from the 1st of January, 1842, to the 1st of January, 1843.

No. 2, is an estimate of the means and liabilities for 1843.

No. 3, is an estimate of the means and liabilities for the year 1844.

No. 4, is an estimate of per cent. necessary to redeem all Scrip within three years, and the liabilities are again given predicated upon the principle of so redeeming all such outstanding Scrip. It will be observed that this calculation includes the five per cent. Bank Scrip, which there is no immediate obligation on the State to redeem; and that there is some discrepancy between the estimates of the Auditor and Treasurer, as to the amount of Treasury Notes that will remain in circulation after the first of March next.

No. 5, is an estimate for redemption of Treasury Notes above, in three years. This estimate, as well as some others herewith submitted, were made up before the passage of the law making scrip receivable for all state and county dues, so that it is expected that a very considerable amount of this circulation will be absorbed by the provisions of this law. It is also necessary to observe that this estimate, and the one which precedes it, have both been predicated upon the supposition, that a re-issue of Treasury Notes to the amount of 89,070 dollars would annually be required for this, and the succeeding three or four years.

No. 6, is an estimate of the length of time it will require to redeem the Treasury Notes, if 20 cents on the 100 dollars valuation is set apart for that purpose. This estimate might well be subjected to the same modification as suggested above.

No. 1.

Statement of the Receipts and Expenditures at the State Treasury from the 1st day of January, 1842, up to the 1st day of January, 1843, as follows, viz:

RECEIPTS.		EXPENDITURES.	
There was remaining in the Treasury on the 1st of January, 1842,	- - - \$61,923 62	There has been audited from 1st Jan., 1842, up to January 1st, 1843, expenditures as follows, viz.:	
There has been received at the Treasury, up to 1st of January, 1843, viz.:		On account of Revenue of 1837 refunded,	\$ 12 47
For Revenue of 1837,	- - -	“ “ 1838	- 21 12
“ 1838,	- - -	“ “ 1839	- 135 78
“ 1839,	- - -	“ “ 1840	- 659 05
“ 1840,	- - -	“ “ 1841	- 266 52
“ 1841,	- - -	For public printing and distributing laws,	- 6,137 10
“ 1842,	- - -	For State stationery,	- 2,453 45
The amount paid by purchasers of lots in Indianapolis,	- - -	For Indiana Legislature,	- 33,863 01
The amount paid by administrators of estates without heirs,	- - -	For salaries of Executive officers,	- 5,550 00
From incidental receipts,	- - -	For salaries of Prosecuting Attorneys,	- 1,991 68
From Treasury loans refunded,	- - -	For salaries of Supreme and Circuit Judges,	- 12,992 99
From interest on Treasury loans,	- - -	For salaries of Probate Judges,	- 4,271 00
From Commissioners of Seminary Townships of Gibson and Monroe,	- - -	For Adjutant and Qr. Master Generals,	- 122 50
From borrowers of University Fund,	- - -	For State House,	- 1,281 90
		For State Library,	- 857 46
		For Indiana State Prison, (old)	- 4,749 90
		For specific appropriations,	- 3,110 08
		For contingent fund expenses,	- 1,370 16
		For wolf scalp certificates,	- 1 00

From borrowers of University Fund as interest on loans, - - -	2,626 34	For Presidential election, - - -	4 00
From Com'rs of Saline lands, - - -	828 40	For seat of Government, - - -	2,532 45
From borrowers of Saline Funds, - - -	3,107 00	For militia fines distributed, - - -	21 00
From borrowers of Saline Funds, as interest on loans, - - -	1,588 80	For expenses of old Treasury Notes, - - -	123 37
From Com'rs of Sinking Fund, common school fund derived from Bank dividends, - - -	74,630 85	For Saline Fund expenses, - - -	10 00
From Treasury Notes, - - -	47,000 00	For loans of Saline Fund, - - -	350 00
For delinquent Revenue of 1841, - - -	1,047 70	For mortgaged lands to Saline Fund, - - -	2,842 57
From \$5 Treasury Notes for redemption of \$50's, - - -	70,000 00	For loans of State University Fund, - - -	3,117 05
From State Library, - - -	107 50	For expenses of State University, - - -	3,854 07
From Internal Improvements, - - -	88,328 85	For mortgaged lands, State University, - - -	4,717 90
From cost of advertising sales of Saline lands, - - -	46 00	For Internal Improvements, - - -	14,599 75
From cost of advertising sales of Seminary lands, - - -	82 00	For expenses of Governor's House, - - -	535 03
From damages on sales of mortgaged lands of Seminary Fund, - - -	182 50	For expenses of \$5 Treasury Notes for redemption of \$50's, - - -	705 00
From overpayments by purchasers of mortgaged lands, Seminary Fund, - - -	18 95	For expenses of new State Prison, - - -	5,000 00
From damages on sales of mortgaged lands to Saline Fund, - - -	116 25	For incidental payments, - - -	27 77
From distribution of proceeds of Public Lands—Indiana's share, - - -	27,135 71	For Professors' salaries, State University, - - -	1,862 50
Total receipts, with cash on hand as above, \$771,635 31		Total expenses audited from 1st January, 1842, to 1st January, 1843, - - -	\$120,149 63
		Amount of cash on hand, provided all audited warrants are paid, - - -	651,485 68

Deduct expenditures for same period, - 120,149 63

\$651,485 68

Add for outstanding warrants as follows:

No. 5,763, \$36 00; No. 5,771, \$400 25; No. 5,806, \$354 97; No. 5,830, \$18 00; No. 5,839, \$28 25; No. 5,846, \$39 50; No. 5,889, \$75 00, No. 5,902, \$2,500; No. 5,908, \$60 18; No. 5,909, \$20 00; No. 5,910, \$12 00; No. 5,921, \$18 50; No. 5,944, \$45; and No. 5,947, \$171;	3,778 65
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Actual amt. in Treasury on Jan. 1st, 1843, \$655,264 33

\$771,635 33

No. 2.

MEANS AND LIABILITIES FOR 1843.

LIABILITIES.

For the ordinary expenses of 1843, as per estimate of

Auditor and Treasurer,	-	-	-	-	-	\$114,000 00
There are unaudited salaries,	-	-	-	-	-	15,000 00
Outstanding warrants,	-	-	-	-	-	956 58

\$129,956 58

Upon the supposition that all salaries are to be reduced one third, the following reductions should be made from the above viz.:

Reduction on Executive officers,	-	-	-	-	-	2,033 34
Judiciary,	-	-	-	-	-	5,166 66
Legislative,	-	-	-	-	-	10,000 00

17,200 00

\$112,756 58

To this should be added as follows:

University Fund in Treasury,	-	-	-	-	-	4,107 48
Saline Fund in Treasury,	-	-	-	-	-	3,400 62
Estates without heirs,	-	-	-	-	-	1,532 63
County Seminary Fund uncalled for,	-	-	-	-	-	480 40

Making total of ordinary demands on Treasury during financial year 1843, - - - - - \$122,277 71

M E A N S.

The committee find that the following funds belong to the State, viz:

1. 3d and 4th instalments of Surplus Revenue, the interest and dividends annually are estimated at - - - - - \$48,000 00
2. Common school fund derived from Bank dividends, the annual interest on which is estimated at - - - - - 30,000 00
3. Canal lands and interest, estimated receipts from, - - - - - 30,000 00
4. Tolls and rents of W. & E. Canal, - 30,000 00
5. Treasury loans, amount outstanding, \$5,888, amt. refunded estimated at - 500 00
6. Loans of Indianapolis fund outstanding, - 40 00
7. Purchasers of lots in Indianapolis, outstanding \$2000, probable payment, - 500 00

8. Indiana's share of distribution of proceeds of public lands and premiums on same, after deduction of \$13,975 retained as interest on Internal Improvement bonds sold to General Government, - 13,160 71
 9. Net proceeds of revenue of 1842, - 193,379 00

Making total of means of 1843, \$345,579 00 345,579 71

Leaving, if these funds were all available, in Treasury at the close of 1843, - - - - - \$223,302 00

But of the foregoing funds, few are available, having been pledged for specific objects by former legislation, as follows, viz:

No. 1 and 2, pledged last year for State

Bank debt, - - - - - 78,000 00

3 and 4 pledged for the additional work and

repairs of W. & E. Canal E. Tip. - 60,000 00

138,000 00

Leaving in Treasury at the close of financial year 1843

in Treasury Notes, being balance of revenue of 1842, \$85,302 00

The House cannot fail to observe that the foregoing estimate is predicated upon the supposition that no loan could be made to defray our current expenses, and that to meet these, the only alternative left is the reissue of Treasury Notes.

No. 3.

ESTIMATE OF MEANS AND LIABILITIES OF 1844.

MEANS.

Value of all taxable property in 1842, - - - \$109,173,610

Value of 602,424 acres of land taxable for the first time
 in 1843, - - - - - 3,002,120

Estimated increase of value of all personal property for
 1843, (over valuation of 1842,) - - - - - 1,000,000

Making total value of all taxables for 1843, - - - \$113,175,730

The net amount of tax to be realized from property,
 upon the supposition that delinquencies will be no
 greater than for 1841, at 5 cents on the \$100 valua-
 tion, is - - - - - \$45,070

The net amount to be realized from 110,000 polls at 50 cents, - - - - -	44,000
Total means of 1844, - - - - -	<u>\$ 89,070</u>

LIABILITIES.

There will be needed for ordinary expenses of 1844 as follows :

1. For public printing and distributing laws, - -	\$11,000
2. For stationary for General Assembly, printing laws and public offices, - - - - -	3,000
3. For expenses of General Assembly, - - -	30,000
4. For Prosecuting Attorneys, - - -	1,700
5. For Judiciary, - - - - -	15,500
6. For Executive, - - - - -	6,100
7. For Probate Judges, - - - - -	4,500
8. For Militia, (Adj't. and Qr. M. Generals,) - -	200
9 For expenses of State House, and for repairs for same,	2,500
10. For annual appropriation for State Library, -	400
11. For transporting convicts to State Prison, - -	1,800
12. For specific appropriations, - - - - -	6,000
13. For contingent fund for Governor, - - -	1,000

Making total liabilities for 1844, - - - - -	\$83,700
The means for 1844, at 5 cents on the \$100 valuation, and 50 cents on polls, amount to - - - - -	<u>89,070</u>

Which would leave in Treasury, in Treasury Notes, <i>less the accruing interest thereon,</i> - - - - -	<u>\$5,370</u>
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OUTSTANDING TREASURY NOTES AND STATE SCRIP.

It is computed (see Auditor's Report, page 21) that there will be left in circulation after the first of March, 1843, in State Treasury Notes, - - - - -	\$795,300
Of Bank Scrip, 5 per cent., - - - - -	676,000
W. & Erie Canal Scrip (E. Tip.) - - - - -	61,530

Total of Scrip in circulation, - - - - -	\$1,532,830
The annual interest on this sum is \$84,859. It is esti- mated that there will be redeemed of Bank Scrip at Sinking Fund office, - - - - -	150,000

There would be left, - - - - -	\$1,382,830
Take in addition the estimated amount to be redeemed through W. & E. Canal Land office, - - - - -	100,000

And there would be left to be redeemed by taxation, The annual interest on this sum is, \$76,489.	<u><u>\$1,282,830</u></u>
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No. 4.

ESTIMATE OF PER CENT. NECESSARY TO REDEEM ALL SCRIP WITHIN THREE YEARS.

LIABILITIES FOR 1844.

To redeem the foregoing sum (\$1,282,830), principal and all interest, and to re-issue each year \$89,070, the probable amount necessary to meet the current expenses of the Government, the objects of taxation remaining the same, the following rate of taxation must be resorted to, viz:

Amount of one-third of whole scrip circulation,	-	-	\$427,610
Amount of estimated interest on same,	-	-	51,313
Amount of Treasury Notes to be re-issued for support of Government,	-	-	89,070
Making whole liabilities for 1844,	-	-	\$567,993

MEANS.

From real and personal property at the rate of 53 cents on the \$100 valuation,	-	-	\$478,923
From 5 cents on property and 50 cents poll tax,	-	-	89,070
			567,993

LIABILITIES OF 1845.

Amount of one-third of whole scrip circulation,	-	-	\$427,610
Amount of estimated interest on same,	-	-	76,970
Amount of Treasury Notes to be re-issued for annual expenses,	-	-	89,070
Making total amount to be met in 1845,	-	-	\$593,650

MEANS.

From real and personal property at the rate of 56 cents on the \$100 valuation,	-	-	\$504,580
From 5 cents on property and poll tax,	-	-	89,070
			593,650

FOR 1846.

Remaining one-third of whole scrip in circulation, is	-	\$427,610
Average amount of interest due on same,	- -	102,626
		<hr/>
		530,236
Amount to be re-issued for support of Government,	-	89,070
		<hr/>
Making total amount to be met in 1846,	- -	\$619,306

M E A N S.

59 cents on the \$100 valuation of property is	\$530,236
5 cents on the \$100 valuation of property,	
and 50 cents on poll, will net for support of	
Government, - - - - -	89,070
	<hr/>
	<u>\$619,306</u>

No. 5.

ESTIMATE FOR REDEMPTION OF TREASURY NOTES
ALONE IN THREE YEARS.

The following statements exhibit the amount necessary to be levied on the \$100 valuation of property, for the redemption, in three years, of the Treasury Notes alone, supposing that the funds set apart for the redemption of the Bank Scrip and Wabash and Erie Canal Scrip are ample for that purpose. This statement is likewise upon the supposition that there will have to be an annual re-issue of \$89,070 for the annual support of the Government, viz:

LIABILITIES FOR 1844.

One-third of the \$795,300 Treasury Notes in circulation after payment of taxes of 1842, is	- - -	\$265,100
Average amount of interest due on same,	- - -	47,718
		<hr/>
		312,818
Add for support of Government as a re-issue,	- -	89,070
		<hr/>
		\$401,888

MEANS FOR 1844.

34 cents on the \$100 valuation of property will net, - - - - -	\$312,818
5 cents on \$100 valuation of property, and 50 cents poll tax will net, - - - - -	89,070
	<u>\$401,888</u>

LIABILITIES FOR 1845.

One-third of Treasury Notes in circulation as above, -	\$265,100
Average interest due on same, - - - - -	73,624
	<u>338,724</u>
Add for re-issue for support of Government, - -	89,070
	<u>\$427,794</u>

MEANS.

37 cents on the \$100 valuation of property will net, - - - - -	\$338,724
5 cents additional, and 50 cents poll tax will net, -	89,070
	<u>\$427,794</u>

LIABILITIES FOR 1846.

One-third of Treasury Notes in circulation as above, -	\$265,100
Average interest on same, - - - - -	89,530
	<u>354,630</u>
Add for re-issue to support the Government, - -	89,070
	<u>\$443,700</u>

MEANS FOR 1846.

39 cents on \$100 valuation of property will net, \$354,630	
5 cents additional and 50 cents poll tax will net, 89,070	
	<u>\$443,700</u>

No. 6.

An estimate of the length of time it will require to redeem the Treasury Notes alone if 20 cents on the \$100 valuation is set apart for that purpose, over and above the 5 per cent. additional and poll tax requisite for annual support of Government.

There will be in circulation, when the Revenue of 1842 is paid in, as above, - - - - -	\$795,300
20 cents on \$100 valuation will net, - - - 180,280	
Deduct for interest on same, - - - 28,850	
	<hr/> 151,430
Balance outstanding after payment of Revenue of 1843, - - -	643,870
20 cents on \$100 valuation will net, - - - 180,280	
Deduct for interest on same, - - - 38,469	
	<hr/> 141,811
Balance outstanding after collection of Revenue of 1844, - - -	502,059
20 cents on property will net, - - - 180,280	
Deduct interest on same, - - - 48,086	
	<hr/> 132,194
Balance outstanding after collection of Revenue of 1845, - - -	369,865
20 cents on property will net, - - - 180,280	
Deduct interest on same, - - - 57,702	
	<hr/> 122,578
Balance outstanding after collection of taxes of 1846, - - -	247,287
20 cents on property will net, - - - 180,280	
Deduct interest, - - - 67,319	
	<hr/> 112,961
Balance outstanding after collection of taxes of 1847, - - -	134,326
To meet this, 22 cents on property will net, - 198,388	
Deduct interest on balance outstanding of Treasury Notes (\$134,826) - - - 64,476	
	<hr/> 133,912
Balance outstanding after collection of taxes of 1848, - - -	<u>\$414</u>

The committee have presented this matter in such different views as they thought might be desirable by the House. Entire accuracy is not claimed for these estimates, nor were they furnished so much with a view to predicate legislation upon them as to illustrate this matter, and present it in such forms as to give general scope to investigation.

Respectfully submitted.

JNO. W. DAVIS, *Chairman.*

Mr. Tingley moved to lay the report on the table and print 500 copies.

Mr. Wilson moved to amend the motion of Mr. Tingley by printing 1000;

Which was accepted by the mover.

So said report was laid on the table and one thousand copies ordered to be printed.

Mr. Davis of S., chairman of the committee of ways and means, reported the following bill:

No. 315. A bill relating to taxation for State purposes and the redemption of Treasury Notes;

Read a first and second times and made the order of the day for to-morrow, at 2 o'clock P. M.

Also, No. 316. A bill making general appropriations for the year 1843;

Read a first and second times and made the order of the day for to-morrow, at 2 o'clock P. M.

Also, No. 317. A bill making specific appropriations for the year 1843;

Read a first and second times and committed to a committee of the whole House, on to-morrow, at 2 o'clock P. M.

Also, No. 318. An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes;

Read a first and second times, and referred to the committee on the State Bank;

Also, No. 319. A bill to authorize the use of a part of the three per cent. fund and the Bank tax fund, for the current expenditures of the present year;

Read a first and second times and referred to a committee of the whole House on to-morrow.

Mr. Cuppy, from a minority of the committee of ways and means, made the following report:

MR. SPEAKER:

The undersigned, being a minority of the committee of ways and means, being entirely unable to arrive at the same conclusions with the majority of said committee, as expressed in their annual report, so far as the suggestions in reference the revenues necessary to be raised for the year 1843, hereby express their dissent to such of said part as refers to that subject, and recommend that an increase of five cents on each one hundred dollars valuation of all property be made, and that of the grand levy so made the sum of fifteen cents on each one hundred dollars valuation of all property, be set apart for the redemption of Treasury Notes.

R. N. WILLIAMS,
ABRAHAM CUPPY.

They also report the following bill and recommend its passage:

No. 320. A bill to defray the expenses of the State Government, for the year 1843, and for the redemption of Treasury Notes;

Read a first and second times and referred to a committee of the whole House, on to-morrow.

Mr. Bradley introduced bill,

No. 321. A bill relative to the recording of patents;

Read a first and second times and laid on the table.

On motion of Mr. Thompson,

The House took from the table bill No. 309, a bill to encourage agricultural improvements in certain counties therein named;

Which was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tingley, (on leave granted) introduced joint resolution,

No. 322. A joint resolution relative to the State Bank of Indiana, and for other purposes;

Read a first time, when Mr. Lowe moved to reject said joint resolution;

But before any action was had thereon,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The chair announced the action of the House to be, on Mr. Lowe's motion to reject;

When, Mr. Robinson moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put?

Which was decided in the affirmative.

The question then recurring on Mr. Lowe's motion to reject;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of White, Butler of Randolph, Campbell, Cooley, Denny, Edmonson, English, Francis, Fuller, Hardin, Hodges, Jackson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, McCormick, Millikin, Mooney, Moore of Floyd, Nelson, Norvell, O'Neal, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Summers, Wheeler and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of Vanderburgh, Chrisman, Claypool, Clements, Coffin, Davis of M., Davis of Sullivan, Dufour, Dunn, Edwards, Flannegan, Foulk, Gilbert, Goodenow, Gorman, Hargrove, Hawkins, Hiatt, Hillis, Huckaby, Marsh, Marvin, Matheny, Mitchell, Meeker, Moore of Owen, Nees, Parker, Rich, Shelby, Sluss, Steele, Strain, Stratton, Swihart, Tevis, Tingley, Whight and Wilson—41.

So said joint resolution was rejected.

The following message was received from the Senate by Mr. Davis a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the resolution of the House in relation to adjourning *sine die* on Monday, the 6th day of Feb. next, with one amendment, striking out "sixth" and inserting in lieu thereof, "thirteenth;"

In which amendment the concurrence of the House is respectfully requested.

Which message was taken up, when

Mr. Lowe moved that the House concur therein;

And the ayes and noes having been demanded by Messrs. Edwards and Robinson;

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Carter, Clements, Coffin, Cooley, Denny, Dunn, Edmonson, Edwards, Flannegan, Francis, Fuller, Gilbert, Goodenow, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Lee, Lewis, Lingle, Lowe, Marsh, Marvin, Matheny, Mathers, McCormick, Mitchell, Montague, Moore of Floyd, Nees, Nelson, Norvell, O'Neal, Parker, Patrick, Peak, Prilliman, Proctor, Rose, Shelby, Steele, Strain, Stratton, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Wilson—59.

Those who voted in the negative were,

Messrs. Baker, Bowers, Chrisman, Claypool, Cuppy, Davis of Sullivan, Dufour, English, Gorman, Hardin, Hillis, Jones, Logan, Major, Meeker, Millikin, Mooney, Moore of Owen, Osborn, Real, Rich, Roberts, Robinson, Shoup, Simonson, Sluss, Snook, Stewart, Summers and Mr. Speaker—30.

So the House concurred therein.

Mr. Foulk, from a select committee, reported bill,

No. 323. An act to incorporate the Physicians of the several counties of this State;

Read a first time, and on motion of Mr. Brown of Marion, was rejected.

The Speaker laid before the House a communication of the Hon. A. Morris, Auditor of State;

Which was, on motion, laid on the table.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by his Excellency the Governor, to inform the House of Representatives, that he has this day approved and signed the following acts:

No. 154. An act to incorporate the town of Portland, in the county of Jay, Indiana;

No. 196. An act to incorporate the first Presbyterian Church of Fort Wayne;

Both of which originated in the House of Representatives.

BILLS INTRODUCED.

By Mr. Bradley:

No. 324. An act relative to taxes on Sheep, and for other purposes;

Read a first time and passed to a second reading on to-morrow.

By Mr. Coffin:

No. 325. A bill to establish one additional place of holding elections at Annapolis, in Reserve township, Parke county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Dunn:

No. 326. A bill for the relief of Robert Wilson;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Moore of O.,

No. 327. A bill for the relief of the borrowers of surplus revenue, school and sinking funds;

Read a first and second times and referred to the committee of ways and means.

The following message was received from the Senate, by Mr. Tannehill, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate have concurred in the amendments of the House to joint resolution No. 76, providing for ascertaining the amount due to contractors and laborers on the Madison and Indianapolis railroad, and for paying the amount out of the suspended debt.

On motion of Mr. Butler of V.,

Resolved, That the committee of ways and means be requested to enquire into the expediency of so changing the present law as to allow the board doing county business, to grant tavern licenses, when they shall think the interest of their counties and public accommodation require it, for a sum not less than \$10 nor more than \$25, and report by bill or otherwise.

By Mr. Denny:

No. 328. An act authorizing the building of a bridge across the Big Walnut river, in Putnam county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dufour, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a bill of the House, No. 74, regulating the fees and salaries of the several persons therein named, with instructions "to make the fees as nearly equal as can be, among the several officers therein named, and also, to strike out all fees not necessary," have had the same under consideration, and have made several amendments thereto, and ask the concurrence of the House therein, and recommend its passage;

Which amendments are as follows, viz:

Amend as follows:

Page 4th, after the 63d line insert the following:

Taking bond of justice of the peace, administering oath of office, making certificate of same on the commission, and registering the date of commission, - - - - -	50
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Taking the declaration of intentions of an alien to become a citizen of the United States, and giving certificate thereof, under seal, - - - - -	25
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Final certificate and record of admission of an alien, as a citizen of the United States, - - - - -	25
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Page 4th, after the 66th line insert the following:

Provided, That in counties where the county auditor is clerk of the board doing county business, the same fees as are allowed to clerks for certain services shall be allowed to such auditor.

Page 7th, in the third line strike out 1 25, and insert 75.

Page 7th, in the seventh line strike out 1 25, and insert 75.

Page 8th, strike out all relating to attorneys' fees in circuit courts.

Page 8th, strike out all relating to attorneys' and counsellors' fees in the supreme court.

Page 9th, in the sixth line strike out 1 25, and insert 1 00.

Page 11th, after the sixth line in constables' fees in criminal cases, insert the following sections:

SEC. 1. That the commissioner of the Wabash and Erie canal shall receive, as a compensation for his services, the sum of seven hundred and fifty dollars annually, to be paid out of the proceeds of the Wabash and Erie canal.

SEC. 2. That the agents of the Madison and Indianapolis railroad, White Water canal, and Vincennes road, shall hereafter receive for their services one dollar and fifty cents each, per day, for every day they may be engaged in attending to their respective duties, to be paid out of the proceeds of tolls and rents derived from the works of which they are respectively agents.

SEC. 3. The Agent of State, authorized to be appointed by the 79th section of an act entitled, "an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer," approved January 28th, 1842, shall hereafter receive the sum of one dollar and fifty cents per day, for every day he is actually employed in discharging the services required of him.

SEC. 4. That the private secretary of the Governor shall hereafter receive an annual salary of sixty-six dollars for his services.

SEC. 5. That the associate judges of the several counties in this State shall hereafter receive the sum of two dollars per day, for each and every day they shall be engaged in the discharge of their official duties, to be paid out of the treasury of the proper county, on the order of the board doing county business: *Provided*, That nothing herein contained shall be so construed as to reduce the pay of associate judges during the time for which the present incumbents were elected.

SEC. 6. That the probate judges in the several counties in this State shall hereafter receive and be allowed the sum of two dollars per day, for each and every day they shall be engaged in the discharge of their official duties, to be paid out of the State Treasury, as now provided by law: *Provided, however*, That nothing in this act shall be so construed as to diminish the pay of probate judges and associate judges in any of the counties of this State, during the time for which the present incumbents were elected and qualified.

SEC. 7. That the State Librarian shall hereafter receive an annual salary of one hundred and fifty dollars, which shall be in full compensation of the services now required of him by law, to be paid out of the State Treasury, as now provided by law.

Page 12th, after the sixth line of section four, insert the following proviso:

Provided, however, That nothing in this act shall be so construed as to diminish the compensation allowed to the Governor, Judges of the Supreme and circuit courts, during the term of office for which the present incumbents were elected and qualified.

Page 12th, in the fifth and sixth lines of the 5th section, strike out all after the word "revenue."

Page 12th, strike out all of the fifth line of the sixth section.

Page 12th, strike out all of section seven, after the word "revenue" in the fifth line of said section.

Which were all concurred in, except the 12th and 19th, being sections two and seven.

Mr. Shoup moved to strike out from the first section, as reported by the committee lastly, the words "seven hundred and fifty dollars" and insert "six hundred dollars";

And on that question,

The ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Butler of R., Carter, Chrisman, Clements, Cooley, Dufour, Edwards, Foulke, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Huckaby, Jackson, Lee, Lewis, Lingle, Logan, Lowe, Major, Marsh, Marvin, Matheny, Meeker, Mooney, Moore of Floyd, Moore of Owen, Nelson, O'Neill, Osborn, Peak, Proctor, Rich, Roberts, Rose, Shelby, Shoup, Sluss, Tevis, Wheeler, Wilson, and Mr. Speaker.—44.

Those who voted in the negative were,

Messrs. Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Claypool, Coffin, Davis of Madison, Denny, Dunn, Flannegan, Francis, Hawkins, Hiatt, Hillis, Hodges, Mathers, McCormick, Mitchell, Montague, Nees, Norvell, Parker, Patrick, Prilliman, Real, Robinson, Simonson, Snook, Steele, Stewart, Strain, Sumner, Swihart, Thompson, Tingley, and Whight.—33.

So said motion prevailed.

Mr. Shoup moved to amend section eight of said amendment, by making the proviso apply to all officers now elected whose compensation said bill proposes to reduce.

But before any definite action was had thereon,

On motion,

The House adjourned.

THURSDAY MORNING, JAN. 26, 1843.

The House met pursuant to adjournment;

PETITIONS WERE PRESENTED.

By Mr. Nees;

Of citizens of Clay county, praying a change in a certain state road therein named;

Also, the remonstrance against the same;

Which were referred to a select committee of Messrs. Nees, Gorman and O'Neill.

By Mr. Brown of Marion;

Of James P. Drake, praying the use of the water in the canal at Indianapolis;

Which was referred to a select committee of Messrs. Brown of Marion, Johnson and Harding;

By Mr. Simonson;

Of A. W. Brown and others, members of the Marion Guards, asking for the use of a room in the house in the "Governor's circle;"

Which was referred to the committee on military affairs.

The following message was received from the Senate, by Mr. Tannehill, a senator:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed, with one amendment, the following joint resolution of the House of Representatives, to-wit:

No. 164. A joint resolution for the relief of Joseph H. Hendricks;

In which amendment I am directed to ask the concurrence of the House.

The amendment to No. 164, mentioned in the message, was concurred in by the House.

The following message was received from the Senate, by Mr. Maguire their principal secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed without amendment, engrossed bills of the House of Representatives, entitled as follows, viz:

No. 31. An act in relation to the town of Laporte;

No. 52. An act for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county;

No. 54. An act to legalize the assessment in Steuben county, for the year 1842;

No. 57. An act relative to the mode of doing township busines in Tippecanoe county;

No. 76. An act to authorize Isaac Letsenberger to build a mill dam;

No. 77. An act to authorize Abednego W. Inman of the county of Dubois, to change a certain State road therein named;

No. 78. An act to locate a State road in Pike and Dubois counties;

No. 80. An act to change the name of John Cade, alias, John Mitchell;

No. 84. An act to incorporate the President and trustees of the Evansville Female Seminary;

No. 86. An act to amend the 12th section of an act entitled "an act, prescribing the duties of county treasurers," approved Feb. 12, 1841;

No. 90. An act for the relief of school district No. 2, in township No. 35 and 36, North of range No. 2, West, in Laporte county;

No. 92. An act to locate a State road in Dubois county;

No. 93. An act for the relief of Jacob Bookwalter;

No. 94. An act to amend an act to incorporate the Boffalo and Mississippi railroad company;

No. 113. An act fixing a premium on wolf Scalps;

No. 108. An act to reduce the expenses of Putnam county;

No. 121. An act to amend the several acts for the regulation of the State Prison;

No. 152. An act to vacate Oak street and certain alleys in the town of Charleston, in the county of Clark;

No. 213. An act providing for the incorporation of the town of Levenworth, in the county of Crawford;

No. 276. An act to change a certain State road in Monroe county.

The Senate has also passed engrossed bills thereof, entitled as follows:

No. 64. An act providing for a State road from Cochran's mill to Auburn, in DeKalb county;

No. 69. An act for the relief of certain persons therein named;

No. 71. An act to incorporate the Muncietown Band of Musicians;

No. 72. An act to modify the power to sell or remove the public county buildings, in the county of Knox;

No. 77. An act to amend an act entitled an act regnulating the fees and salaries of the several officers and persons therein named;

No. 83. An act for the relief of John J. Graham;

No. 119. An act to incorporate the Cambridge city and Venice turnpike company;

No. 138. An act to vacate a certain alley in the town of Delphi;

No. 141. An act to legalize an appointment of a constable in Floyd county;

No. 142. An act to authorize Rice Davis of Floyd county to make a deed;

In which bills of the Senate, the concurrence of the House of Representatives is respectfully requested.

No. 64. (Of the Senate) mentioned in the message;

Was read a first time and passed to a second reading on to-morrow.

No. 69. (Of the Senate) mentioned in the message;

Was read a first and second times and referred to the committee on the judiciary.

No. 71 and 72. (Of the Senate) mentioned in the message;

Were severally read a first time and passed to a second reading on to-morrow.

No. 77. (Of the Senate) mentioned in the message;

Was read a first and second times and referred to the committee on the judiciary.

No. 83. (Of the Senate) mentioned in the message;

Was read a first and second times and referred to the committee of ways and means.

No. 119. (Of the Senate) mentioned in the message;

Was read a first and second times and referred to the committee on corporations.

No. 138. (Of the Senate) mentioned in the message;

Was read three several times and passed, (the rules being suspended.)

Ordered, That the clerk inform the Senate thereof.

No. 141 and 42. (Of the Senate) mentioned in the message;

Were severally read a first and second times and passed to a third reading on to-morrow.

REPORTS FROM STANDING COMMITTEES.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to which was referred a bill, No. 327, for the relief of the borrowers of the surplus revenue funds, school funds and sinking funds, have had that subject under consideration, and have directed me to report the same back to the House and recommend its passage.

Mr. Norvell moved to amend by striking out "two years" and insert "four years;"

Which did not prevail.

The bill was then read a third time; when

Mr. Norvell moved to commit to the same select committee with instructions to extend the time "three years;"

Mr. Hillis moved to amend the instructions by striking out "three" and insert "four;"

Which was accepted by Mr. Norvell.

Then the bill was recommitted to a select committee of Messrs. Norvell, Hillis and Edwards.

Mr. English, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills reports that they have compared the enrolled with the engrossed bills of the House of Representatives:

No. 88. An act to legalize the acts of Isaac Tullis, deceased, late a justice of the peace for Rush county, Indiana;

No. 100. An act for the relief of Job B. Eldridge, Thomas J. Cummings and Isaac Clary, and for other purposes;

No. 107. An act to reinstate a certain tract of seminary lands therein named;

No. 111. An act for the relief of Adam Clark of Carroll county;

No. 120. An act abolishing docket fees, and dispensing with final records in certain cases;

No. 134. An act to repeal certain acts therein named ;

No. 254. An act declaring certain names a misprint, and for other purposes;

No. 255. An act to authorize the board of commissioners of Tippecanoe county to sell the poor house farm of said county;

Also, the following joint resolution:

No. 104. A memorial and joint resolution, to the Congress of the the United States, praying appropriations to improve the navigation of the Mississippi, Ohio, and Wabash, and other important rivers, which are reserved national highways and tributaries of those mentioned;

And find the same truly enrolled.

And have presented the same to the Governor for his signature.

Mr. Davis of S., chairman of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to which was referred a petition of sundry citizens of Laporte county, praying a change in the mode of collecting and assessing the revenue, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate upon that subject, and ask to be discharged from its further consideration;

Which report was concurred in by the House.

Mr. Cuppy, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill No. 291, entitled a bill for the relief of the people of Noble and Lagrange counties, have had the same under consideration, and have directed me to report the same back to this House with one amendment and recommend its passage;

Which amendment was concurred in, the bill

Read a third time and passed;

Ordered, That the clerk inform the Senate thereof.

Mr. Dufour, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred a memorial of sundry citizens of the State of Indiana on the subject of repudiation, have had the same under consideration, and have instructed me to report the same back to the House and recommend its reference to the committee on the judiciary, to whom similar petitions and memorials have been referred, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House;

And the memorial therein named referred to the committee on the judiciary accordingly.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined the following acts, to wit:

No. 80. An act to change the name of John Cade, *alias* John Mitchell.

No. 243. An act to change the time of holding probate courts in Jay county.

No. 105. An act to repeal all acts or parts of acts declaring the White-water rivers navigable streams, except in the county of Dearborn.

No. 94. An act to amend an act entitled, "an act to incorporate the Buffalo and Mississippi railroad company."

No. 86. An act to amend the 12th section of an act entitled, "an act prescribing the duties of county treasurer," approved February 12th, A. D. 1841.

No. 276. An act to change a certain State road in Monroe county.

No. 121. An act to amend the several acts for the regulation of the State Prison.

No. 152. An act to vacate Oak street and certain alleys in the town of Charlestown, in the county of Clark.

No. 54. An act to legalize the assessment of Steuben county for the year A. D. 1842.

No. —. An act fixing a premium on wolf scalps.

No. 93. An act for the relief of Jacob Bookwalter.

No. 57. An act relative to the mode of doing township business in the county of Tippecanoe ; and,

No. 108. An act to reduce the expenses of Putnam county, and for other purposes.

We find on examining the engrossed bills with the bills enrolled to be correct; and presented them to the Governor for his signature.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to which was recommitted a bill of the House,

No. 235. Entitled a bill to provide for the construction of a rail-way in Laporte county, with certain instructions, have, according to order, directed me to report the same back to the House with the following amendment, to wit :

Strike out the sixth section and insert as follows :

Said company, when formed under the provisions of this act shall, previous to their commencing the construction of said road, pay, or cause to be paid, to the Buffalo and Mississippi railroad company a fair compensation for the locating and for the labor done on the railroad between Michigan city and the town of Laporte, to be estimated by some competent engineer ;

Which amendment was concurred in by the House ; when,

Mr. Francis moved to lay the bill on the table.

And the ayes and noes having been demanded by Messrs. Bradley and Wheeler :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Butler of Randolph, Campbell, Chrisman, Edmonson, English, Francis, Fuller, Gorman, Hargrove, Jackson, Leslie, Lewis, Logan, Lowe, Major, Mathers, Meeker, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Rose, Robinson, Shelby, Simonson, Sluss, Snook, Whight and Wilson.—37.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of W., Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Cooley, Davis of S., Denny, Dufour, Dunn, Edwards, Flannegan, Foulke, Gilbert, Goodenow, Hardin, Hiatt, Hillis, Hodges, Huckaby, Jones, Lee, Lingle, Marsh, Matheny, McCormick, Montague, Mooney, Nees, Real, Rich, Roberts, Steele, Stewart, Strain, Stratton, Summers, Swihart, Tevis Thompson, Tingley and Wheeler.—45.

Which motion prevailed.

The question then recurring on the passage of the bill ;

And the ayes and noes having been demanded by Messrs. Francis and Jackson :

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of White, Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Davis of Madison, Denny, Dunn, Flannegan, Foulke, Gilbert, Goodenow, Hargrove, Hiatt, Hardin, Hillis, Hodges, Jackson, Jones, Lee, Leslie, Marsh, Marvin, McCormick, Meeker, Mitchell, Mooney, Nelson, Norvell, Patrick, Prilliman, Rose, Shelby, Snook, Steele, Strain, Stratton, Summers, Swihart, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker.—51.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Chrisman, Cooley, Dufour, Edwards, English, Francis, Fuller, Gorman, Lewis, Logan, Major, Millikin, Moore of F., Moore of Owen, O'Neal, Osborn, Peak, Proctor, Rich, Robinson, Shoup, Simonson, Sluss and Whight.—29.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of D., chairman of the committee on the State Bank, made the following report :

MR. SPEAKER:

The committee on the State Bank reports back the bill to provide for the reduction of the State and individual stock in the State Bank, and for other purposes, with amendments, viz :

1. Strike out the fifth section and insert sections 5, 6, and 7 of the amendment in lieu thereof.

2. Change the numbers of sections 6 and 7 to 8 and 9.

3. Insert a 10th section.

4. Change number of section 8 to 11 ;

Which amendments were concurred in and the bill ordered to be engrosed for a third reading on to-morrow.

Mr. Davis of Sullivan, chairman of the committee of ways and means, reported back to the House without amendment the following bill :

No. 83. A bill for the relief of John J. Graham ;

Which was ordered to a third reading on to-morrow.

Mr. Gorman, from the committee on canals and internal improvements, reported bill,

No. 329. A bill in relation to Wabash and Erie canal scrip.

Mr. Carter dissents from the report of the majority of the committee on canals and internal improvements, making "blue pup" receivable for lands east of Tippecanoe.

Said bill was read a first and second times ; when,

Mr. Norvell moved to indefinitely postpone the same.

Mr. Tevis moved the previous question ;

Which was seconded by the House.

The question then recurring, shall the main question be now put ;

Which was decided in the affirmative.

The question then recurring on Mr. Norvell's motion to indefinitely postpone ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Claypool, Cooley, Cuppy, Dufour, Edmonson, Foulk, Francis, Fuller, Goode-now, Jackson, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, Meeker, Millikin, Moore of Floyd, Osborn, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Swihart, Wheeler, Whight and Wilson—42.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Butler of Vanderburgh, Clements, Coffin, Davis of Sullivan, Denny, Dunn, Edwards, English, Flannegan, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Marsh, McCormick, Montague, Mooney, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Parker, Patrick, Real, Roberts, Shelby, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis and Tingley—41.

Sa said bill was indefinitely postponed.

Mr. Rose, from a select committee, made the following report :

MR. SPEAKER:

The committee, to whom was referred a resolution of the House upon the subject of the White river bridge on the Michigan road, and also a petition of sundry citizens of the counties of Boone and Marion upon the same subject, have had the same under consideration, and have directed me to present the following report, in which they respectfully ask the concurrence of the House; and also the accompanying bill and recommend its passage :

In answer to the enquiry embraced in the resolution in reference to the amount of tolls received the committee will remark that they have no means through which they can ascertain the amount with entire accuracy.

The committee, however, have exercised due diligence, and have subpoenaed the contractor, and also divers witnesses, who have appeared and testified before said committee on that subject.

It is apparent from all the evidence, that the amount has been subject to a great variation, that at certain seasons when the travel was brisk, the receipts were large, and as the travel declined the amount bore a corresponding diminution.

Although no regular account is kept of cash received, yet it is in evidence, and also admitted by the contractor, that the tolls for about four weeks at one time in the fall of 1841, ranged from eighteen to twenty dollars per week.

It also appears from the evidence, that from the time the gate was erected, which was about the 14th day of May, 1841, until October or November following, the tolls averaged from two dollars and fifty cents to three dollars and fifty cents per day. Since that time the amount has generally ranged from one to two dollars per day, but has occasionally fallen as low as fifty cents. It cannot, therefore, be expected, while the evidence in some respects is inconclusive, that it is possible to calculate with much certainty.

The committee, however, with the evidence before them, and the consideration which they have been able to give the subject, are of opinion that the probable amount of tolls may be estimated and set down as follows, to wit :

From May 14, 1841, until October 31, 1841, 170 days	
at \$2 50 per day, - - - -	\$425 00
From October 31, 1841, until October 31, 1842, 365 days at \$1 50 per day, - - - -	547 50
From October 31, 1842, until January 20, 1843, 80 days at 50 cents per day, - - - -	40 00
Amount by private subscription from citizens, -	70 00
Amount from stage line, - - - -	25 00
Making -	<hr/> \$1,107 50

To which may be added a judgement in the Marion county circuit court against William Polke, late commissioner of Michigan road, for the sum of, -	\$136 00
	<u>\$1243 50</u>

Making the sum total twelve hundred and forty-three dollars and fifty cents.

The probable amount of expenditures of the said *Wilson* since taking the contract may be estimated and set down as follows, to wit :

615 days hire of hand to tend bridge, 50	-	-	\$307 50
68,000 shingles to cover bridge, 2 50	-	-	170 00
Carpenter's work on " - - - -	-	-	108 00
Lumber for bridge, - - - -	-	-	50 00
Nails for " - - - -	-	-	20 00

Making the sum of \$655 50

To which may be added a claim which the said <i>Wilson</i> held against the State when he contracted for the completion of said bridge, - - - -	907 00
With two years interest thereon, - - - -	108 84

Making the sum total of said <i>Wilson's</i> claim, \$1,671 34	
From which deduct the whole amount of his receipts which is, - - - -	1,243 50

And it will leave a balance due the said <i>Wilson</i> of the sum of, - - - -	<u>\$427 84</u>
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The last and most important subject submitted for the consideration of the committee, is embraced in the following enquiry, to-wit:

Whether or not Mr. Andrew Wilson, the contractor for finishing said bridge, has complied with the stipulations of the law on that subject?

Without the introduction of any preliminary remarks, the committee must be permitted to express the opinion, that but little more is necessary in order to arrive at a conclusive and unequivocal answer to the foregoing enquiry, than a recurrence to the law and the testimony on that subject.

On the 15th day of February, 1841, an act of the General Assembly was approved, allowing the said *Wilson*, upon certain conditions and restrictions therein contained, to erect toll-gates upon said bridge for the purpose of liquidating a certain claim, of nine hundred and seven dollars, with two years interest thereon, which he, the said *Wilson*, held against the State of Indiana.

The second section of said act provides that, "the said Andrew Wilson is hereby required, in a good and substantial manner, to

cover and weather-board said bridge, and to complete the floors already commenced, and to do such other work as may be necessary to complete the same, so that at all times it may afford a safe and complete passage to travellers."

The seventh section of the same act further provides that, "the said Wilson shall be required fully to complete said bridge within one year from the passage of this act; and upon his failure to do so, he shall not be allowed to avail himself of the privileges of this act."

And here the committee will state that the whole of the testimony before them, on that subject, is not only uncontradicted, but is fully and entirely admitted by the contractor, and most clearly shows, that the said bridge is not only unfinished, but that from one half to two-thirds of one side is without weather-boarding, and, except so far as the same is protected by the cornice, is entirely exposed to the weather. It also further appears, that the said bridge has remained for more than one whole year from the date hereof in its present condition, without any effort having been made upon the part of the contractor, to finish the same.

The committee, therefore, after having duly examined the law and the testimony, and having given to the subject all that consideration which its importance seemed to require, are unanimously of the opinion that the said Andrew Wilson has entirely failed to comply with the stipulations of the law on that subject.

It is also the unanimous opinion of the committee that the said Wilson, not having complied with the plain provisions of the contract, has clearly and unequivocally forfeited all legal claims to said bridge, and, in the language of the law, "cannot avail himself of the provisions of the act."

No. 330. A bill in relation to the White river bridge, in Marion County;

Read a first and second times and referred to a select committee of Messrs. Robinson, Jackson and Major.

Mr. Clements, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was recommitted bill No. 180, entitled, "an act to regulate the pay of members of the General Assembly," have had the same under consideration, have made the amendment they were instructed to make by the House, to-wit: That of reducing the pay of members to two dollars per day, and recommend its passage.

Mr. Simonson moved to concur in the amendment of the committee with the following amendment:

"The pay at this rate to commence at the commencement of the present session;

Mr. Davis of Sullivan moved to lay the bill and pending amendments on the table;

And the ayes and noes having been demanded by two members.

Those who voted in the affirmative were,

Messrs. Bales, Carter, Davis of Sullivan, Edmonson, English, Flannegan, Fuller, Hawkins, Lee, Lingle, Mitchell, Montague, Prilliman, Stratton, Swihart, and Mr. Speaker.—16.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, Foulke, Francis, Goodenow, Gorman, Hardin, Hargrove, Hillis, Hodges, Huckaby, Jackson, Jones, Leslie, Lewis, Logan, Lowe, Major, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neill, Osborn, Parker, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis, Thompson, Tingley, and Williams.—69.

So said motion did not prevail.

Mr. Simonson moved to commit the bill to a committee of the whole House, and make it the special order of the day for Monday next;

And the ayes and noes having been demanded by Messrs. Clements and Dufour,

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of R., Butler of Vanderburgh, Campbell, Carter, Coffin, Cooley, Cuppy, Davis of M., Denny, Dunn, Edmonson, Edwards, English, Flannegan, Francis, Fuller, Gilbert, Gorman, Hardin, Hawkins, Jackson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Nelson, Norvell, Parker, Patrick, Prilliman, Proctor, Simonson, Snook, Steele, Stratton, Summers, Sumner, Swihart, Tevis, Tingley and Mr. Speaker.—56.

Those who voted in the negative were,

Messrs. Baker, Bowers, Butterfield, Chrisman, Claypool, Clements, Davis of S., Dufour, Goodenow, Hargrove, Hillis, Hodges, Huckaby, Matheny, Moore of Owen, Myers, O'Neill, Osborn, Peak, Roberts, Real, Rich, Robinson, Rose, Shelby, Shoup, Sluss, Stewart, Strain, Thompson and Williams.—28.

So said motion prevailed.

On motion of Mr. Lowe,

No. 74. A bill regulating the fees and salaries of the several persons therein named;

Was taken from the files, and referred to a committee of the whole House and made the order of the day for Monday next, at two o'clock, P. M.

Mr. Brown of Marion, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of sundry citizens of the town of Indianapolis, praying the repeal of its charter, also, several remonstrances on the same subject, remonstrating against the same, have had that subject under consideration, and have directed me to report that, upon the examination of the petition and remonstrances they find that the remonstrances are much more numerously signed than the petition, they therefore deem it inexpedient to legislate upon that subject, and ask to be discharged from the further consideration of the same;

Which report was concurred in by the House;

And the committee discharged from the further consideration of that subject.

Mr. Lowe presented the claim of J. M. Talbot, for certain articles therein named;

And asked its reference to the committee on claims;

Which was so referred.

On motion,

The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

REPORTS FROM SELECT COMMITTEES.

Mr. Tingley, from a select committee, reported bill

No. 331. A bill regulating the compensation of road supervisors, in the county of Rush;

Read a first and second times and referred to the committee on roads.

On motion of Mr. Simonson,

Messrs. Wilson, Leslie, Clements and English were added to the select committee on the subject of the relocation of the county seat of Crawford county.

Mr. Davis of Sullivan moved to amend bill No. 318, by inserting the following:

Add as sec. 9: That no Branch shall be entitled to reduce individual stock therein, under the provisions of this act, to any greater

amount or extent than the State stock shall have been reduced therein under the provisions of this act, unless there should be a surplus remaining to any Branch, which with the consent of said commissioners, may be transferred to any other Branch.

Strike out from the word "it" in the seventh line to the word "State" in the 12 line, and insert, "the President of the State Bank and Treasurer of State;"

Which were adopted.

Mr. Robinson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Samuel Runnels and others, citizens of the town of Charlestown, in Clarke county, praying that all that part of said town, lying Southwest of Walnut street, may be erected into an independent municipality, beg leave to make the following

REPORT,

That your committee have paid to the prayer of these petitioners that attention which the nature of the cause seems to demand. In arriving at a decision upon this matter, your committee cannot overlook the impressive fact, that this is the second application which these petitioners have made to this body for a redress of their grievances, and that without effect.

These petitioners pray to be discharged from the odious favoritism, oppressions and burthensome taxes imposed on them by the corporation of the town of Charlestown, the petitions which have been presented to the Legislature on more than one occasion, for a redress of the grievances under which they labor, are drawn in a spirit which carries internal and conclusive evidence that these petitioners are entitled to the relief for which they ask.

All corporations have the power in a greater or less degree of oppression, and there are none in this State which are so liable to abuse, and which present so many opportunities for petty oppression, as the town corporations, so numerous in our country.

These petitioners represent that they are subjected to an onerous taxation, without any corresponding benefit, that the common revenue of that town to which they contribute, in their equal and proper proportion, is expended wholly and altogether in different parts of the town from where they reside, that they are the dependent vassals of a dynasty who are inclined to show no mercy or afford them any redress.

These petitioners believe they have a good cause of complaint, and they appeal with faith, hope and confidence, to an impartial tribunal for redress; this appeal should not be disregarded; it is the duty of ev-

ery Legislative body to ameliorate so far as lies in its power, all and every one of its citizens laboring under oppression, whether that oppression be the result of individual avarice and cupidity, or the rapacity of a soulless corporation, acting without responsibility and without justice; in view of all the circumstances, your committee have directed me to report the following bill:

Entitled a bill for the relief of sundry citizens of the town of Charlestown, Clarke county, and recommend its passage.

A. L. ROBINSON, Chairman.

No. 332. A bill for the relief of sundry citizens of the town of Charlestown, Clark county, mentioned in the report;

Was read a first and second times; when

Mr. Tingley moved to amend by striking out "municipality," and insert "principality;"

Which was not agreed to.

The bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. Thompson:

No. 333. A bill to restrict the county commissioners in the counties of Allen, Laporte, Wells and Huntington;

Read a first and second times, and was amended by adding the counties of Steuben, Jay and Adams.

The bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Goodenow:

No. 334. A bill to vacate the town of Wirt, in Jefferson county;

Read a first and second times and laid on the table.

Mr. Swihart, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition and remonstrance of sundry citizens of Wabash and Huntington counties, for, and against a State road from Lagro to Warren, have had the same under consideration, and directed me to report the following section, to be incorporated in the general road bill;

No. 335. A bill appointing commissioners to locate a certain State road therein named;

Read a first and second times and referred to the committee on roads.

Mr. Hawkins, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of E. G. Campbell and others, on the subject of a State road, have considered the same, and directed me to report the following bill, and recommend its passage:

No. 336. An act declaring a county line a State road;

Read a first and second times and referred to the committee on roads.

By Mr. Nees:

No. 137. An act to amend the act entitled an act declaring a county road a State road in the counties of Owen, Clay and Putnam, approved Jan. 29th 1842;

By Mr. Flannegan:

No. 338. A bill relative to a State road in St. Joseph county;

Were severally read a first and second times and referred to the committee on roads.

By Mr. Cooley:

No. 339. An act to amend the act regulating the jurisdiction and duties of justices of the peace;

Read a first and second times and referred to the committee on revision.

By Mr. Huckaby:

No. 340. A bill for the further relief of the people of the State of Indiana;

Read a first and second times and laid on the table.

By Mr. Proctor:

No. 341. A bill to amend an act entitled "an act subjecting real and personal property to execution," passed Feb. 4th, 1831, and of the several acts supplementary thereto;

Read a first and second times and referred to the judiciary committee.

By Mr. Butler of V:

No. 342. An act for the relief of Alexander Ray;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Dufour:

No. 343. A bill amendatory and explanatory of an act entitled "an act relating to the Vevay seminary," approved Jan. 18th, 1842;

Read a first and second times, and amended by striking out the preamble;

The bill as amended was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate has concurred in the amendments of the House of Representatives to the joint resolution of the Senate, providing for ascertaining the amount due contractors and laborers on the Madison and Indianapolis railroad, and for paying the amount out of the suspended debt.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole, on bills Nos. 315, 316, 317 and 319;

With Mr. Shoup in the chair;

And after having spent some time therein, the committee rose, and through its chairman, reported that they had made several amendments to said bills, and asked the concurrence of the House thereto.

The amendment as made by the committee of the whole to bill No. 316, was by the House concurred in.

The amendment to bill No. 319, as made by the committee, was concurred in on motion of Mr. Bradley, with the following amendment:

Strike out from the enacting clause and insert:

That so much of the three per cent. fund and of money derived from tax on Bank stock, as have been expended for general purposes, be, and the same are hereby authorized and directed to be reported to the proper counties, with six per cent. interest thereon, out of any money not otherwise appropriated in the State Treasury, or to come therein after the expiration of the year 1843; adopted.

Mr. Robinson moved to strike out of bill No. 316, the "ten thousand dollars appropriated for the purpose of building a new State Prison;"

And the ayes and noes having been demanded by Messrs. Robinson and Carter;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Rush, Brown of White, Carter, Claypool, Cooley, Edwards, Lowe, Major, Marsh, Mecker, Millikin, Moore of Owen, Norvell, Peak, Rich, Roberts, Robinson, Sluss, Snook, Stratton and Wheeler—23.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Clements, Coffin, Davis of Sullivan, Davis of M., Denny, Dufour, Dunn, Edmonson, English, Flannegan, Foulk, Francis, Fuller, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Jones, Lee, Lewis, Leslie, Lingle, Logan, Marvin, Matheny, Mathers,

McCormick, Mitchell, Montague, Mooney, Moore of F., Nees, O'Neal, Osborn, Parker, Prilliman, Proctor, Rose, Shelby, Simonson, Steele, Stewart, Strain, Summers, Swihart, Tevis, Thompson Williams, Wilson and Mr. Speaker—65.

So said motion did not prevail.

Mr. Norvell moved to reconsider the vote just taken on Mr. Robinson's motion to strike out;

Which motion did not prevail.

And, on motion,

The House adjourned till half past 8 o'clock to-morrow morning.

FRIDAY MORNING, JANUARY 27, 1843.

The House met pursuant to adjournment.

PETITIONS PRESENTED:

By Mr. Campbell;

Of citizens of Porter county, asking certain relief therein named;

Which was referred to a select committee of Messrs. Campbell, Francis and Brown of W.

The chair announced the following select committee on the Michigan road bridge:

Messrs. Hillis, Stratton and Montague.

Mr. Logan, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture to whom a resolution of this House was referred, instructing them to enquire into the expediency of exempting from taxation all property, whether real or personal, employed in producing or manufacturing silk, hemp, tobacco, or cornstalk sugar and molasses, have according to order, had the same under consideration, and have directed me to report, that it is inexpedient at this time to exempt such real and personal property from taxation, and ask to be discharged from the further consideration of the subject matter contained in said resolution;

Which report was concurred in by the House.

RESOLUTIONS.

On motion of Mr. Millikin,

Resolved, That the committee on the State Bank, be instructed to enquire into the expediency of amending the charter of the State Bank, so that no person who does not meet the regular calls of the Bank on his paper, shall be ineligible to any office in the State Bank or Branches.

On motion of Mr. Baker,

Resolved, That the committee on militia be instructed to enquire into the expediency of taking some action to ensure uniform annual returns of militia of the State of Indiana, to the Adjutant General.

On motion of Mr. Clements,

Resolved, That the committee of ways and means enquire into the expediency of reporting a bill to this House, to provide for the destruction of all the Treasury Notes now in the treasury, which has not been paid out, leaving one fourth of one per cent. interest.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Foulk:

No. 344. A preamble and joint resolution in relation to the State Bank of Indiana;

Read a first time, when, on motion of Mr. Robinson, the same was rejected.

By Mr. Millikin:

No. 345. A joint resolution suspending so much of an act entitled an act to provide for the reception of certain Treasury Notes, in payment of county revenue, and for other purposes, as makes Treasury Notes bearing an interest of one quarter of one per cent., receivable for school and college funds, or debts due county seminaries, approved Jan. 1843;

Read a first time, when Mr. Edmonson moved to reject the same;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Brown of Rush, Brown of White, Butler of R., Chrisman, Claypool, Clements, Cooley, Denny, Edmonson, English, Flannegan, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hodges, Jackson, Jones, Leslie, Lewis, Logan, Lowe, Major, Marsh, Marvin, Matheny, Meeker, Mitchell, Mooney, Moore of O., Myers, Nees, Parker, Prilliman, Real, Roberts, Robinson, Rose, Shelby, Shoup, Snook, Steele, Summers, Swihart, Tevis and Wilson—49.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Campbell, Cuppy, Dufour, Dunn, Edwards, Francis, Gor-

man, Hiatt, Hillis, Huckaby, McCormick, Millikin, Montague, Moore of Floyd, Norvell, O'Neal, Peak, Proctor, Rich, Simonson, Sluss, Stewart, Stratton, Sumner, Thompson, Tingley and Wheeler—33.

So said joint resolution was rejected.

Mr. Shoup moved to reconsider the vote just taken;

And the ayes and noes having been demanded by Messrs. Shoup and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of Dearborn, Butler of Vanderburgh, Campbell, Dufour, Edwards, Flannegan, Francis, Gorman, Hillis, Huckaby, Lingle, Logan, Marsh, Marvin, Millikin, Montague, Mooney, Moore of Floyd, Norvell, O'Neal, Osborn, Peak, Proctor, Shoup, Simonson, Sluss, Stratton, Swihart, Thompson, Tingley, Wheeler, Williams and Mr. Speaker—35.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Carter, Claypool, Chrisman, Clements, Cooley, Denny, Dunn, Edmonson, English, Fuller, Gilbert, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Major, Matheny, Mathers, McCormick, Meeker, Moore of Owen, Myers, Nees, Parker, Patrick, Prilliman, Real, Rich, Roberts, Rose, Shelby, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis and Wilson—52.

So said vote was not reconsidered.

Mr. Bradley, on leave granted, introduced the following bill:

No. 346. Entitled a bill relating to the jurisdiction of justices of the peace in Laporte county;

Read a first and second times and amended by adding the counties of Crawford, St. Joseph and Franklin.

Then the bill was read a third time and passed.

Mr. Lowe offered for adoption the following resolution:

Resolved, That the committee on the judiciary be directed to report as soon as possible a bill causing the one-fourth of one per cent. treasury notes to bear six per cent. from the date of their issue.

Mr. Shoup moved to amend by inserting the "first day of January;" Which was not agreed to.

Mr. Claypool moved to amend by inserting "one year from the date of their issue;"

Which was accepted by the mover.

Then the resolution as amended was adopted.

Mr. Clements introduced the following bill:

No. 347. A bill to make the one-fourth of one per cent. treasury notes bear six per cent interest, and for other purposes;

Read a first and second times and referred to the committee on the judiciary.

Mr. Brown of Dearborn, chairman of the committee on the State Bank, made the following report :

MR. SPEAKER:

The Committee on the State Bank, to which the House has referred so much of the Governor's message as relates to the State Bank ;

The report of N. B. Palmer, the Agent appointed to examine said Bank and its Branches ;

The reports from the Branch Banks ;

A Resolution of inquiry into the expediency of amending the charter of the State Bank, so as to authorize the several Branches to receive, in payment of their debts, the stock of individual stockholders ;

A Resolution of inquiry, whether the interest of the State do not require some provision to take up Sinking Fund Treasury Notes, by relinquishing to the Bank the Surplus Revenue Bank Stock ; and

A Resolution of inquiry into the expediency of repealing the 30th section of the second amendment of the said charter, excepting from the repeal such Branches as have been established under the same—of repealing the act to create a 17th Branch district ; and, of authorizing the directors of the State Bank to close any of the Branches thereof, now in operation ;

And of amending the charter of said Bank, so that no person who does not meet the regular calls of the Bank on his paper, shall be eligible to any office in the State Bank or Branches,—have had the several subjects under consideration, and respectfully

R E P O R T,

That they find the Report of the President of the State Bank, and the statements of its Branches, to exhibit the institution in a condition to meet its liabilities, without danger of being again driven to the disreputable state of suspension of specie payments, with which it was formerly reproached. They represent an unimpaired capital, and 144,424 dollars of surplus fund, after deducting all losses, which are set down at 140,582 dollars, besides 96,378 dollars, considered doubtful ; and give a positive, and encouraging assurance that specie payments will be maintained. Supposing these statements free from error or misapprehension, still your committee is not confident that the Bank can soon resume a very active business with safety, unless by great prudence and economy, and by a very considerable curtailment of dividends.

The President's apprehension, that the present execution laws will be a great check upon banking business, appears to be well founded. The Bank must find difficulty in using its credit to any great extent, with safety and advantage, while compelled to pay its notes on demand, and at the same time be unable to collect without a delay, too long for this sort of business ; but, as the laws referred to, appear to be the settled policy of this General

Assembly, in regard to this matter, the committee forbear to expatiate on the subject.

The Report informs us that the profits of the Bank were equal to an average of 12 per cent. per annum, during the first six years of its existence; but the committee fears that these large profits were obtained at too much hazard to continue. While they admit that, under some circumstances, a bank may be able to make extraordinary dividends, they have the President's admission of loans, too long, too large, and to favorites, made at an early period of the Bank's operations; which accounts, in some measure, for the embarrassment under which it suspended specie payments. How far a necessity for extending further indulgence to debtors of this kind, if any such remain, (as the committee suspect,) may operate to prevent the Bank from doing that amount of business which its capital would otherwise authorize, the committee has not the means to judge. Independently of these considerations, there are various causes that the committee believe render a contraction of business proper, in respect to safety; of which the great amount of private debts is conspicuous. A considerable diminution of the revenues of the establishment must be the necessary consequence, for some time to come.

There is a material difference in some important particulars, between the Reports of the President, and the Examining Agent of the State. Among their resources, to meet liabilities, the Branches state a large amount of notes of other Banks; on these the Agent represents a loss, not accounted for, of \$35,621 45. The President estimates the depreciation of Banking Houses and real estate, at \$15,819; the Agent considers the loss on these equal to \$61,638 83—nearly four times that amount. The President admits that losses from the beginning have been incurred, equal to 140,582 dollars, or equal to 236,960 dollars, if 96,378 dollars, reported doubtful, be included. It is presumed that he meant, the loss by defalcations of cashiers, 11,850 dollars, should be included in the above. The Agent, in addition, estimates the loss on notes and bills discounted, as amounting to \$533,083 33; being a total of loss, exclusive of defalcations of cashiers, \$630,343 61. Making the difference in their statements of losses, \$363,383 61; or a difference of \$275,233 61, if the default of cashiers be not embraced in the statement of the President.

These gentlemen also differ widely in another item. The President informs the House that the suspended debt amounts to \$406,122 67. The Agent states from inspection, \$357,550 42, of notes and bills under protest; and \$344,976 47, of notes and bills in suit; in all \$702,526 89. The difference between them being \$296,404 22. The House will please to observe that the sum of \$702,526 89 above mentioned, is the sum according to the report of the Agent, after deducting on account of depreciation, \$252,274 07 from the whole amount of notes protested and in suit. The total difference, therefore, under this head is \$548,122 67. The committee suppose the President and Agent may entertain views variant from each other, of the items that ought to be classed under the head of the suspended debt, but incline to the opinion that protest and suit would have warranted the President in increasing the suspension account by the amount of the difference above mentioned.

There is also a wide discrepancy between the two reports, as re-

gards the integrity of the capital stock. The variance consists principally in the estimates the Agent puts upon the notes and bills held by the Branches, below their nominal value, the depreciation of property, and losses by the failure of other banks, and the depreciation of their notes.

The Agent's report bears the appearance of fairness and candor. It is as minute and circumstantial as could well be required; and trust in the correctness of his statements and estimates must depend upon his character, his knowledge of business, his aptitude for investigation, his industry, his acquaintance with the state of the times, with the value and price of property, and, perhaps, in some instances, with the circumstances of parties indebted to the Branch Banks. Considering the great changes which took place when the bubble of speculation exploded in 1837, your committee feel persuaded that the debts due to the Bank, taken collectively, cannot be worth the full amount at which they are set down in the Branch statements, and see no reason to suspect the discounts, estimated by the Agent, to be exaggerated: Especially as the committee, aware of the difficulty of collecting debts of long standing, and in want of information to the contrary, is apprehensive that the large amount of Bank notes withdrawn from circulation, during the last year, may have been received in payment of active and short business paper, to a greater amount than for debts contracted long ago, however disguised by renewals.

It may be worthy of remark, that however different the estimation of losses and depreciation by the President and Agent, they seem quite agreed as to the causes which have produced them.

It was evidently expected by the Legislature, and probably by the Bank itself, that the Treasury Notes paid to the latter under the act of last session, in liquidation of its claims for moneys advanced to the canal commissioners, would aid the bank in discounting—that these notes would be paid out in that line of business and received back in discharge of the notes so discounted. Such, however, has not been the result; for good reasons explained by the President. In the few cases in which it has been attempted, it is believed to have been the occasion of more embarrassment than relief. Excepting \$46,285 redeemed, and \$22,975 in circulation, (\$1000 of which has been emitted at Evansville since the visit of the Examining Agent,) the whole sum is represented as remaining in the Branches, unavailable for banking purposes. The committee has been lead to believe, but without information strictly authentic, that a part of these notes, now abroad, have found their way into circulation by indirect means.

The committee have seriously considered the suggestion of the President concerning a reduction of the bank stock, and adopt the idea, with considerable amplification. They recommend that the State surrender all its stock in the Bank, excepting and reserving its original investment, \$880,000, in exchange for an equal amount of State bonds issued in anticipation of a fourth instalment of surplus revenue of the United States, and of surplus revenue treasury notes; the manner whereof is provided in a bill for this object now before this House.

The same bill proposes to extend the same process of reduction to stock owned by the State in such Branches as the board of directors may see fit to close; the proceeding may relieve both the Bank and the State—the former from that excess of its capital which cannot be profitably employed; and the latter from considerable responsibility.

The committee have also followed up the suggestion of the President of the Bank, respecting a further reduction of the capital, by permitting the relinquishment of private stock in payment of desperate and very doubtful debts, upon terms equitable to the debtors and the other stockholders. The committee is well aware of the danger of the precedent, unless most cautiously guarded; and, accordingly, have endeavored to obtain the object of security to creditors of the Bank—stockholders as well as others; and prevent abuse. The bill before mentioned provides for this object.

They have also adopted the judicious advice of the President, by proposing to exclude debtors who furnish no security but their stock, from voting for directors; all the interest of debtors, in such cases, being adverse to that of the Bank. It has also been thought prudent to place the directors of the State Bank in an attitude superior to the temptation of incurring debts to the Branches, by prohibiting such indebtedness; and to limit the amount for which any other director may become liable or indebted to the institution as principal or as surety.

The repeal of so much of the 30th section of the second amendment of the charter of the Bank, as shall prevent the erection of three of the Branches therein permitted to be established, and not to affect the thirteenth Branch; and, also, the repeal of the act to create a seventeenth Branch Bank District, have been thought advisable by the committee.

The President of the Bank has given the House an exposition somewhat gratuitous, of the views entertained by “the advocates of a paper currency, founded on a specie basis.” This expose consists of a series of positions in the form of maxims, that govern that school, adverse to a metallic currency, and in favor of bank notes for circulation. The whole being unaccompanied by argument or illustration. Some of these strange assumptions are bold as well as novel. Among a number of surprising tenets, they hold specie dangerous as a currency; that 5,000,000 dollars of specie would do less service than 2,500,000 dollars founded on 1,250,000 dollars of specie; that a specie currency alone, is equally liable with bank paper to the dangers incident to a contracting and expanding currency, and that the “evils” of a specie currency alone, will fall with oppressive weight in this State.

Your committee would have submitted a commentary upon the principles advanced in this passage of the report, (which, they are disposed to believe, will not meet with general acquiescence) but it appears to them, that a proper treatment of the *subjects* embraced, would, necessarily run into so great length, as to become too voluminous for this report, and accordingly confine themselves to a strong and unqualified dissent from most of the doctrines advanced by the President on behalf of the advocates of paper money;

Which was, on motion, laid on the table, and five hundred copies ordered to be printed.

Mr. Brown of Dearborn, chairman of the committee on the State Bank, also reported the following bills :

No. 348. A bill concerning the eligibility and qualifications of the directors of the State Bank and Branches.

No. 349. A bill to repeal the 30th section of the second amendment of the branch charter, and the act to create a seventeenth branch bank district ;

Which were severally read a first and second times and referred to a committee of the whole House, and made the order of the day for 2 o'clock P. M. on Monday next.

Mr. Shoup introduced the following bill :

No. 350. Entitled a bill to provide for the payment of taxes of non-residents through the State Treasury ;

Read a first and second times and referred to the judiciary committee.

On motion of Mr. Claypool,

Bill No. 173 was taken from the table and referred to a select committee of Messrs. Claypool, Matheny and Rich, with instructions to insert the following :

SEC. Hereafter when any public officer, either State or county, who has the care of public money, shall apply any such public money, which may have come to his hands, to his own private use, he shall, upon conviction thereof, be fined in any sum not less than fifty dollars nor more than one thousand dollars, and be imprisoned in the State prison at hard labor not less than one nor more than five years ; and it shall be deemed *prima facie* evidence of such application if such officer, on the same being legally demanded, shall neglect or refuse to account for and pay the same to the person or persons properly entitled to receive the same.

This act to take effect and be in force from and after its passage.

Mr. Rich moved to instruct the committee as follows :

Amend the instruction by directing the committee to enquire and report whether the substance of the bill is not in exact keeping with the law now in force ;

Which was adopted.

Mr. Tingley, from the judiciary committee, made the following report :

MR. SPEAKER :

The committee on the judiciary have had under consideration the petition of Isaac Nelson, for a divorce and the accompanying evidence, duly appreciating the merits of his case and sympathizing with him on account of the great present restraint he labors under, they now here report a bill for his relief and recommend its passage.

No. 351. A bill for the relief of Isaac Nelson, and for other purposes;

Read a first and second times and ordered to a third reading on tomorrow.

Mr. Butterfield moved to reconsider the vote taken on bill,

No. 329. Entitled a bill in relation to Wabash and Erie canal scrip.

And the ayes and noes having been demanded by Messrs. Bradley and Stewart :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Butler of Vanderburgh, Butterfield, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Gorman, Hardin, Hawkins, Hillis, Hiatt, Hodges, Huckaby, Lee, Marsh, Marvin, Mathers, McCormick, Mitchell, Mooney, Moore of O., Nees, Norvell, O'Neal, Parker, Patrick, Real, Roberts, Rose, Shelby, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis, Tingley and Williams—46.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Claypool, Cooley, Davis of Sullivan, Dufour, Dunn, Edmonson, Francis, Fuller, Jackson, Jones, Leslie, Lewis, Lingle, Logan, Major, Meeker, Millikin, Montague, Moore of F., Osborn, Peak, Prilliman, Proctor, Rich, Robinson, Simonson, Stratton, Swihart, Thompson, Wheeler, and Wilson.—38.

So the vote was reconsidered.

The question then being on the indefinite postponement of said bill; And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, Dunn, Edmonson, Foulke, Francis, Fuller, Gilbert, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Major, Meeker, Millikin, Montague, Moore of Floyd, Osborn, Peak, Prilliman, Proctor, Rich, Robinson, Shoup, Simonson, Stratton, Swihart, Wheeler and Wilson.—41.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butler of V., Butterfield, Clements, Coffin, Davis of Madison, Denny, Edwards, English, Flannegan, Hawkins. Hiatt, Hillis, Hodges, Huckaby, Lee, Lowe, Marsh, Marvin, McCormick, Mitchell, Mooney, Moore of Owen, Myers, Nees, Norvell, O'Neal, Parker, Patrick, Real, Roberts, Rose, Shelby, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Mr. Speaker.—46.

So said bill was not indefinitely postponed.

Mr. Henley (Mr. Logan in the chair) moved to recommit the bill to a select committee with instructions to insert the following:

Provided, That the amount of scrip issued for the construction of the canal west of Tippecanoe, and received in payment for lands belonging to the canal east of Tippecanoe, shall be refunded out of the proceeds of the lands donated by Congress for construction of said canal west of Tippecanoe river.

Mr. Norvell moved to amend Mr. Henley's instructions by adding "that State scrip shall be received for the canal lands west of Tippecanoe river;"

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Brown of White, Butler of Randolph, Carter, Chrisman, Cooley, Dufour, Edmonson, Francis, Fuller, Gilbert, Hardin, Hillis, Jones, Leslie, Lewis, Lingle, Logan, Marsh, Matheny, Montague, Nees, Norvell, Osborn, Peak, Prilliman, Proctor, Real, Robinson, Shoup, Swihart and Wilson.—32

Those who voted in the negative were,

Messrs. Bradley, Brown of D., Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Campbell, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edwards, English, Flannegan, Foulke, Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Johnson, Lee, Lowe, Marvin, McCormick, Meeker, Millikin, Mitchell, Mooney, Moore of O., Myers, O'Neal, Parker, Patrick, Rich, Roberts, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Williams and Mr. Speaker.—56.

So said instructions were not adopted.

Mr. Robinson moved to instruct the committee to insert the following:

Provided, That the Wabash and Erie canal fund west of the Tippecanoe river shall refund to the State the amount of money which

the State has borrowed and expended to construct the Wabash and Erie canal generally.

But before any definite action was had thereon,
The House adjourned until 1½ o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Robinson,
A call of the House was ordered.

The Clerk proceeded to call the roll, and the absentees were,
Messrs. Brown of Marion, Butler of Vanderburgh, Hawkins, Moore
of Floyd, Sluss, Summers and Nelson.

And, on motion of Mr. Snook,

Mr. Nelson was excused on account of sickness.

The absentees having appeared in their places, the further call of
the House was suspended.

The chair announced the question to be on the adoption of the in-
structions as offered by Mr. Robinson ; when,

He (Mr. Robinson) moved to amend his former instructions by
adding the following :

And the land scrip issued by the company organized to finish the
Madison and Indianapolis railroad, shall also be received in the pay-
ment of Wabash and Erie canal lands east of the Tippecanoe river ;
Provided, that the amount of the said fund so absorbed by the said
railroad scrip shall be repaid to the State by bonds owned by that
company.

Mr. Tevis moved the previous question ;

Which was seconded by the House.

The question then being, "shall the main question be now put ;

Which was decided in the affirmative.

The question then recurring, shall the bill pass ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Clements,
Coffin, Davis of M., Denny, Flannegan, Gilbert, Gorman, Hiatt, Hillis,
Hodges, Lee, Marsh, Marvin, McCormick, Moore of O., Myers, Nees,
O'Neal, Parker, Patrick, Real, Roberts, Shelby, Sluss, Snook, Steele,
Stewart, Strain, Summers, Tevis, Tingley, Wheeler, Williams and
Mr. Speaker.—39.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Foulke, Fuller, Goodenow, Hardin, Hargrove, Huckaby, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Major, Mathers, Meeker, Millikin, Montague, Mooney, Norvell, Osborn, Peak, Prilliman, Proctor, Rich, Robinson, Rose, Shoup, Simonson, Stratton, Swihart, Thompson, and Wilson.—48.

So said bill did not pass.

Mr. Carter moved to reconsider the vote just taken; and, on that motion, moved the previous question;

Which was seconded by the House.

The question then being, shall the main question be now put;

Which was decided in the affirmative.

The question then recurring, "shall the vote just taken be reconsidered;"

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Marion, Butler of Vanderburgh, Butterfield, Clements, Coffin, Davis of Madison, Denny, Flannegan, Gorman, Hillis, Hodges, Lee, Lowe, Marsh, Marvin, McCormick, Mitchell, Moore of O., Myers, Nees, O'Neal, Parker, Patrick, Real, Roberts, Shelby, Sluss, Snook, Steele, Stewart, Strain, Sumner, Tevis, Thompson, Tingley, Williams and Mr. Speaker.—42.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Claypool, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Foulke, Francis, Fuller, Goodenow, Hardin, Hargrove, Huckaby, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Major, Mathers, Meeker, Millikin, Montague, Mooney, Nelson, Osborn, Peak, Prilliman, Proctor, Robinson, Rose, Shoup, Simonson, Stratton, Swihart, Wheeler and Wilson.—50.

So said motion to reconsider did not prevail.

Mr. Edwards, on leave granted, presented the remonstrance of citizens of Crawford county, against the removal of the county seat;

Referred to the same select committee to which that subject had been heretofore referred.

Mr. Davis of S., on leave granted, introduced bill

No. 352. A bill supplemental to an act to provide for recording a state road in Sullivan and Vigo counties;

Which was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Goodenow, on leave granted, offered for adoption the following resolution:

Resolved, That the Senate be respectfully requested to return to this House the message of this morning, announcing the concurrence of the House of Representatives, in the amendment of the Senate to joint resolution of the House, for the relief of Joseph H. Hendricks; and that the principal clerk of the House inform the Senate thereof;

Which was not adopted.

Mr. Marvin, on leave granted, introduced bill

No. 353. An act to amend an act relative to crime and punishment, approved, Feb. 10th, 1831;

Read a first and second times and referred to the committee on revision.

Mr. Gorman, on leave granted, introduced bill

No 354. A bill to suspend the further letting upon the Wabash and Erie canal;

Read a first and second times, when

Mr. Norvell moved to lay it on the table;

Which motion did not prevail; and,

On motion of Mr. Bradley,

Was referred to a select committee consisting of the delegation from the counties of Park, Fountain, Vermillion and Vigo.

On motion of Mr. Robinson,

Bill No. 261, was taken from the table; when

Mr. Tingley moved to amend by striking out of the bill "all that portion of territory which is taken from the county of Tippecanoe;"

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Claypool Clements, Coffin, Cooly, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Hardin, Hargrove, Hiatt, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marvin, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Norvell, O'Neill, Osborn, Parker, Peak, Prilliman, Proctor, Rich, Rose, Shelby, Simonson, Snook, Stewart, Strain, Stratton, Summers, Swihart, Tevis, Thompson, Tingley, Williams and Wilson.—71.

Those who voted in the negative were,

Messrs. Brown of White, Campbell, Carter, English, Gorman, Hillis, Jones, Logan, Marsh, Roberts, Robinson, Shoup and Wheeler.—13.

So said motion prevailed.

The question then recurring on the engrossment of the bill;
And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Bradley, Campbell, Carter, Davis of Madison, Davis of Sullivan, Denny, Dunn, English, Flannegan, Francis, Gilbert, Gorman, Hiatt, Hodges, Jones, Marsh, Marvin, Matheny, Moore of Floyd, Patrick, Proctor, Roberts, Tevis, Thompson and Wheeler.—25.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Cooley, Dufour, Edmonson, Edwards, Goodenow, Hardin, Hargrove, Hillis, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Mathers, Meeker, Millikin, Montague, Mooney, Norvell, O'Neill, Osborn, Parker, Peak, Prilliman, Rich, Rose, Shoup, Simonson, Snook, Stewart, Strain, Stratton, Swihart and Tingley.—50.

So said bill was not ordered to be engrossed.

Mr. Thompson, on leave, introduced bill

No. 355.

Read a first and second times and referred to the committee of ways and means.

The House took up the following message from the Senate, which was received by Mr. Maguire, their principal secretary:

Mr. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 122. An act for the relief of William McCullough, deputy collector of the State and county revenue of Cotton township, Switzerland county, Indiana, for the year 1841;

No. 311. An act supplemental to an act entitled, "an act to incorporate the town of Centreville, Wayne county, Indiana;

No. 325. An act to establish an additional place of holding elections at Annapolis, in Reserve township, Parke county;

All without amendment.

The Senate has also passed an engrossed bill and joint resolution thereof, entitled,

No. 143. A joint resolution for the relief Joshua Holland, treasurer of Henry county;

No. 144. An act to amend an act entitled, "an act for the election of county assessors;

In which I am directed, respectfully, to ask the concurrence of the House of Representatives.

Joint resolution, No. 143, (of the Senate) mentioned in said message;

Was taken up and read three several times and passed.

Also, bill No. 144, (of the Senate) mentioned in said message;

Was taken up and read a first time and passed to a second reading on to-morrow.

Mr. Davis of S. presented sundry claims, and asked their reference to the committee on claims;

Which were so referred.

Mr. Rose, also, presented the claims of certain witnesses therein named;

Which were referred to the committee on claims.

The following message of the Senate was taken up:

MR. SPEAKER:

The Senate has refused to concur in the amendment made by the House of Representatives to the bill of the Senate,

No. 70. An act to amend all the acts heretofore passed on the subject of electing an additional justice of the peace and constable in Morgan township, Harrison county; and,

On motion of Mr. Leslie,

The House receded from its amendment to said bill.

The following message was received from the Senate, by Mr. Heriman, a Senator;

Which was taken up:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed a bill of the House, entitled,

No. 291. An act for the relief of the people of Noble and La-grange counties,

With two amendments, in which the concurrence of the House is respectfully requested.

And the amendments of the Senate to said bill, No. 291, were concurred in by the House.

The following message was received from the Senate by Mr. Maguire, their principal secretary;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill of the House of Representatives, entitled,

No. 163. An act to reduce the tolls on the New Albany and Vin-

cennes road, and to provide for the completion of the grade from Paoli to Mount Pleasant,

With one amendment, in which the concurrence of the House of Representatives is respectfully requested.

And the amendment of the Senate to bill of the House, No. 163, mentioned in said message, was concured in.

Mr. Baker, on leave, introduced bill

No. 356. A bill to amend an act approved Feb. 24th, 1840;

Read a first and second times and referred to the committee on military affairs.

Mr. Campbell, from a select committee, made the following report:

Mr. SPEAKER :

The select committee to which was referred a petition from sundry citizens of Porter county, in relation to Congressional township No. 33, north of range No. 6 west, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage :

No. 357. A bill for the relief of Congressional township No. 33, north of range No. 6, in Porter county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Marsh, on leave, presented the petition of George D. Warring and others, citizens of Steuben county, in relation to an act, entitled, "an act to provide for a more uniform mode of doing township business in the several counties therein named, approv. Feb. 17th, 1838," and extended to the county of Steuben, Dec. 30th, 1840 ;

Which was referred to the committee on revision.

Mr. Davis of Madison, a member of the judiciary committee, made the following report :

Mr. SPEAKER :

The committee on the judiciary, to whom was referred a bill of this House, No. 247, entitled, "an act supplemental to an act relating to county seminaries, approved February 17, 1838," have had the same under their consideration, and have instructed me to report, that the second section of the ninth article of the constitution of the State of Indiana, declares that "it shall be the duty of the General Assembly, as soon as circumstances will permit, to provide by law for a general system of education *ascending in a regular gradation* from township schools to a State University." And the third article of the same section of the constitution, directs certain funds to be appropriated for the support of county seminaries. Soon after the adoption of the constitution, the General Assembly, in pursuance of the foregoing, made provisions for a "general system of education, ascending in regular gradations;" 1st, township or common schools, wherein the first rudiments of an education may be acquired, to-wit,

reading, writing, and arithmetic; 2dly, county seminaries, or the academical department, wherein the higher branches of education are taught, preparatory for an admission into the highest grade—the State university; which last institution has also been established by the General Assembly.

Your committee are of opinion that any other arrangement and graduation of the general system of education, than that now established, as organized by the General Assembly, (many members of which were of the delegation who framed the constitution, and who were sent up here by the people to put that instrument, the work of their own hands, into operation,) would violate and contravene the manifest spirit and meaning of that sacred instrument. And that, to erect and organize each township and school district into county seminaries, as required by the bill under consideration, would be breaking down and destroying that regular graduation of the system of education as contemplated by the framers of the constitution, as well as by the express provisions of that instrument itself.

It is supposed that no person can be found, who would for a moment advocate the idea, that the Legislature has a constitutional right to pass an act declaring each township and district school a State University, and to distribute the college fund equally among the several counties in the State; and yet the Legislature has as much constitutional authority to pass such an act, as the one under consideration.

If it be constitutional to apply the seminary fund to the support of common schools, why resort to the shallow quibble of erecting each township and common school district into a county seminary? Why not at one “fell swoop,” abolish county seminaries all together? In view of the foregoing reasons, and many more which your committee deem unnecessary to urge, they report the bill under consideration, back to the House, recommending its indefinite postponement, and respectfully ask to be discharged from the further consideration of the subject.

Mr. Rich dissentient,

Reports, that he cannot agree with the majority of the committee, in all the reasonings upon their pre-drawn conclusions. And while he is willing to admit that the constitution demands a regular ascendant gradated system of education, yet he cannot say with his committee-men, that that gradation must forever conform to the law, as it was made by the framers of the constitution, when they afterwards became legislators under its provisions;

Which report was read and concurred in by the House; and

On motion of Mr. Norvell,

Bill No. 247, in said report mentioned, was referred to a select committee of Messrs. Rich, Gorman, Norvell, Steele, Tevis, Jones, Nees, Leslie, Lingle, O'Neill, and Wilson.

Mr. Carter, on leave granted, presented the petition of Jacob Kertler and others, praying the location of a State road from Seagriff's mill, in Cass county, to Rochester, in Fulton county;

Which was referred to the committee on roads.

Mr. Gorman moved to re-commit bill No. 199 to the committee on revision, with instructions "to put such checks upon the school commissioner as will secure a strict accountability, and to merge the office of surplus revenue agent in the school commissioner, and the care and management of the seminary fund into the county auditor.

Mr. Norvell moved to amend Mr. Gorman's instructions, by adding the words—"or clerk to the board doing county business;"

Which proposed amendment was accepted by the mover.

The question then recurring on the adoption of the instructions as amended.

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of D., Brown of M., Brown of R., Butler of Rush, Campbell, Carter, Cuppy, Denny, Edmonson, English, Fuller, Gorman, Harding, Hargrove, Jackson, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Millikin, Moony, Moore of Owen, Myers, Norvell, O'Neill, Roberts, Shelby; Shoup, Simonson, Sluss, Tevis, and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of W., Butler of V., Chrisman, Claypool, Clements, Coffin, Cooley, Davis of M., Dufour, Dunn, Edwards, Foulke, Francis, Gilbert, Hiatt, Hillis, Hodges, Huckaby, Leslie, Marsh, Marvin, Meeker, Montague, Nees, Osborn, Peak, Prilliman, Proctor, Real, Rich, Robinson, Rose, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Thompson, Tingley, Wheeler, Williams, and Wilson—47.

So said instructions were not adopted.

Mr. Edwards moved to consider bills No. 195, and 199, as engrossed, and read a third time now.

And, on that motion, moved the previous question ;

Which was not seconded by the House.

Mr. Simonson, on leave granted, offered for adoption the following resolution :

Resolved, That the committee on revision be directed to revise the several laws in regard to common schools, in Clark's Grant, and provide for the continuance of the office of school commissioner therein.

Mr. Gorman moved to amend the resolution as follows, "add Monroe county ;"

Which amendment was not adopted.

Mr. Harding moved to amend, by adding "Johnson county."

Mr. Gorman moved to instruct the committee on revision,

"To place such checks on the school commissioner, as will secure a strict accountability."

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Butler of Randolph, Butler of V., Butterfield, Campbell, Carter, Chrisman, Coffin, Cuppy, Davis of S., Denny, Dufour, Dunn, Edmonson, Fuller, Gorman, Harding, Hargrove, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Millikin, Montague, Moony, Moore of F., Moore of O., Myers, Nees, Norvell, O'Neill, Osborn, Peak, Proctor, Rich, Roberts, Rose, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Tevis, Williams, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of White, Claypool, Clements, Cooley, Davis of Madison, Edwards, Flannegan, Foulke Francis, Gilbert, Hiatt, Hillis, Hodges, Leslie, Marsh, Marvin, Mathers, Meeker, Parker, Prilliman, Real, Robinson, Snook, Summers, Sumner, Swihart, Thompson, Tingley, and Wilson—31.

So said motion prevailed.

BILLS ON THEIR THIRD READING.—

No. 318. An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes ;

No. 319. An act to authorize the use of a part of the three per cent. fund, and the Bank tax fund, for the current expenditures of the present year ;

No. 316. A bill making general appropriation for the year 1843 ;

No. 142, (of the Senate). An act to authorize Rice Davis of Floyd county to make a deed ;

No. 83, (of the Senate). An act for the relief of J. J. Graham ;

All of which were read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 315. A bill relating to taxation for State purposes, and the resumption of treasury notes ;

Read a third time,

When Mr. Robinson moved to strike out fifteen cents, for the gradual redemption of treasury notes, and insert twenty cents; pending which motion,

Mr. O'Neal moved the previous question,

Which was seconded by the House.

The question then being, shall the main question be now put ?

Which was decided in the affirmative.

The question then recurring, shall the bill pass ?

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Butler of Randolph, Butterfield, Campbell, Chrisman, Clements, Coffin, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, Fuller, Gilbert, Hardin, Hargrove, Hillis, Hodges, Huckaby, Johnson, Jones, Leslie, Lewis, Lingle, Lowe, Major, Marvin, Matheny, Mathers, Meeker, Millikin, Montague, Mooney, Myers, Nees, Norvell, O'Neal, Osborn, Parker, Peak, Prilliman, Proctor, Real, Rich, Roberts, Shoup, Simonson, Snook, Steele, Strain, Summers, Tevis, Tingley, Wilson and Mr. Speaker.—60.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of White, Butler of Vanderburgh, Carter, Claypool, Cuppy, Davis of M., Edmonson, Flannegan, Foulke, Francis, Gorman, Jackson, Lee, Logan, Marsh, Moore of F., Moore of Owen, Robinson, Rose, Shelby, Sluss, Stewart, Stratton, Sumner, Swihart, Thompson and Williams.—29.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Then, on motion,

The House adjourned till to-morrow morning half past 8 o'clock A. M.

SATURDAY MORNING, JAN. 28, 1843.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Hon. Samuel Merrill, President of the State Bank of Indiana, made in obedience to several resolutions of the House of Representatives ;

Which was, on motion, referred to a select committee which had been heretofore raised on that subject,

And five hundred copies ordered to be printed.

PETITIONS WERE PRESENTED.

Mr. Lingle presented the claim of H. Cumingore, for certain printing done, as therein named ;

Which was referred to the committee on claims.

By Mr. Hawkins ;

Of citizens of Jay county, asking that all section lines might be declared public highways ;

Which was referred to a select committee of Messrs. Hawkins, Williams and Butler of Randolph.

REPORTS FROM STANDING COMMITTEES.

Mr. Tingley, a member of the committee on the judiciary, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was committed bill of the House,

No. 204, with certain instructions, have had that matter under serious and deliberate consideration, made the required amendments to the bill, and amended the title of the same, so as to make it more clearly expressive of the contents and object of the bill, to wit :

A bill for the relief of 44 disaffected people of Indiana, and for other purposes ; and believing that the bonds of oppression should be broken and the bound go free, we herewith most cheerfully present the following bill amended agreeably to instructions, and unhesitatingly recommend its passage :

Bill No. 204, mentioned in said report, was taken up : when,

Mr. Wilson moved to amend by inserting the names of Peter Priest and Ruth Priest, his wife, of Harrison county.

Mr. Simonson moved to indefinitely postpone said bill ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of White, Butler of Randolph, Butterfield, Campbell, Claypool, Clements, Cooley, Edwards, Foulke, Francis, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lewis, Logan, Matheny, Mathers, Meeker, Mitchell, Montague, Mooney, Nees, Nelson, Norvell, Parker, Prilliman, Proctor, Real, Rich, Roberts, Shelby, Shoup, Snook, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Wheeler and Williams—57.

Those who voted in the negative were,

Messrs. Brown of Marion, Brown of Rush, Butler of Vanderburgh, Carter, Coffin, Davis of Madison, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Flannegan, Fuller, Gorman, Johnson, Jones, Lee, Leslie, Major, Marsh, Marvin, Millikin, Moore of Floyd,

Myers, Moore of Owen, O'Neal, Osborn, Peak, Robinson, Rose, Simonson, Sluss, Steele, Stewart, Tevis, Tingley, Whight, Wilson and Mr. Speaker—40.

So said bill was indefinitely postponed.

Mr. Stratton moved that the annual reports of the several branches of the State Bank of Indiana be ordered to be printed ;

And the ayes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of D., Butterfield, Carter, Chrisman, Claypool, Clements, Cuppy, Davis of Madison, Flannegan, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Leslie, Marsh, Marvin, Matheny, Mathers, Meeker, Millikin, Montague, Mooney, Myers, Nees, Nelson, Parker, Patrick, Rich, Rose, Shelby, Snook, Stewart, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Williams and Wilson.—48.

Those who voted in the negative were,

Messrs. Baker, Brown of M., Brown of R., Brown of W., Butler of R., Butler of V., Campbell, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, English, Francis, Fuller, Gorman, Hardin, Hargrove, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, McCormick, Millikin, Moore of F., Moore of O., Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Shoup, Simonson, Wheeler, Whight and Mr. Speaker.—43.

So said motion prevailed.

Mr. Matheny moved that three hundred copies of said reports be printed ;

Which was agreed to.

Mr. Brown of Marion, chairman of the judiciary committee, reported back the following bill :

No. 350. A bill to provide for the payment of taxes of non-residents through the State Treasury ; which was, on motion, laid on the table.

Mr. Robinson, a member of the judiciary committee, made the following report :

MR. SPEAKER :

The judiciary committee to whom was referred a bill, No. 279, to authorize the printing of 2000 copies of the Revised Laws in the German Language, have had that bill under consideration, and have directed me to report the same back to the House, with one amendment, and recommend its passage ;

Amend as follows:

In the third section strike out the latter part of the said section after the word "viz." and insert as follows:

"To the several counties in this State in proportion to the number of German citizens in the said counties respectively, as near as practicable, after obtaining the best information he can as to the number of German citizens in each county.

No. 279. Mentioned in the report, was taken up;

Mr. Shoup moved to amend the bill by striking all out from the enacting clause and inserting in lieu thereof:

"A bill providing that one thousand copies of the more generally used parts of the Revised Statutes, such as the naturalization laws, the law relative to the duties of justices of the peace, &c. &c., should be published, and upon the application of fifty German citizens to the Clerk of the circuit court, said Clerk should demand of the Secretary of State any number which could be sold of said German Laws.

Mr. Moore of O. moved to amend the amendment offered by Mr. Shoup, by striking out the word "fifty" whenever it occurs and insert "twenty;"

Which was agreed to.

Mr. Wilson moved to amend the bill by adding the word "French" immediately after the word "German" whenever it occurs;

Mr. Shoup moved to commit the bill and pending amendments to to the committee on revision, with instructions to report what portion of the laws are necessary to be printed in the German Language;

Mr. Simonson moved to instruct the committee to add "the laws relating to the authentication of deeds, powers of attorneys, &c."

Mr. Summers moved to amend the instructions of Mr. Shoup as follows: "to publish the Revenue Laws."

Mr. Logan moved to lay the bill and pending amendments and instructions on the table;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Campbell, Clements, Denny, Edwards, Logan, Mathers, Meeker, Mitchell, Montague, O'Neal, Roberts and Stratton—14.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of W., Brown of Rush, Butler of Randolph, Butler of V., Carter, Chrisman, Coffin, Cooley, Cuppy, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marsh, Marvin, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, My-

ers, Nees, Nelson, Norvell, Osborn, Parker, Patrick, Prilliman, Proctor, Rich, Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—75.

So said motion did not prevail.

Mr. Nees moved to refer the whole matter to a select committee of seven;

Mr. Hillis moved a division of the question;

The question then recurring, shall the bill be committed?

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Edwards, Huckaby, Jackson, Marsh, Millikin, Mitchell, Moore of Owen, Nees, Peak, Roberts, Proctor, Shoup, Stratton and Mr. Speaker.—16.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Meeker, Montague, Mooney, Myers, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Prilliman, Real, Rich, Robinson, Rose, Shelby, Simonson, Snook, Steele, Stewart, Strain, Summers, Sumner Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Wilson.—73.

So said bill was not ordered to be committed.

The question then recurring upon the amendment offered by Mr. Wilson;

And the ayes and noes having been demanded by Messrs. Wilson and Shoup:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Clements, Denny, Edwards, Gorman, Hodges, Huckaby, Jackson, Lee, Leslie, Major, Marsh, Mitchell, Mathers, Moore of Floyd, Myers, O'Neal, Parker, Peak, Proctor, Real, Stratton and Wilson—23.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Hardin, Hawkins, Hillis, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Marvin, McCormick, Meeker, Millikin, Mooney, Moore of O., Nees, Nelson, Norvell, Osborn, Patrick, Prilliman, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Mr. Speaker—64.

So said amendment was not adopted.

Mr. Millikin moved to amend the bill as follows:

Add in its proper place, the laws regulating probate courts, and defining the duties of Executors, administrators and guardians and of decents, distribution and dower.

Mr. Swihart moved the previous question;

Which was seconded by the House.

The question then recurring, shall the bill be ordered to be engrossed for a third reading?

And the ayes and noes having been demanded by Messrs. Stratton and Shoup:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of Marion, Butler of Vanderburgh, Chrisman, Claypool, Coffin, Cooley, Cuppy, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gorman, Hardin, Hawkins, Hillis, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marvin, McCormick, Millikin, Mitchell, Mooney, Moore of Floyd, Myers, Nees, Nelson, Norvell, Prilliman, Proctor, Robinson, Rose, Shelby, Simonson, Snook, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Clements, Denny, Edwards, Goodenow, Hargrove, Hodges, Jackson, Logan, Marsh, Matheny, Mathers, Meeker, Montague, Moore of Owen, O'Neal, Osborn, Parker, Patrick, Peak, Real, Rich, Roberts, Strain and Stratton—30.

So said bill was ordered to be engrossed for a third reading.

And, on motion of Mr. Nees, the bill was read a third time; when, Mr. Moore of O. moved to recommit the bill with instructions to strike out "two thousand" and insert "five hundred;"

Mr. Clements moved to amend the instructions as follows:

"And that an extra number of copies in addition to those usually printed of the revised code, in the English Language, shall be also printed and distributed according to the provisions of this act;"

Mr. Tevis moved the previous question;

Which was seconded by the House.

The question then being, shall the main question be now put;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Chrisman, Coffin, Cooley, Davis of Madison, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gorman, Hardin, Hawkins, Hiatt, Hillis, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, McCormick, Millikin, Mitchell, Mooney, Moore of Floyd, Myers, Nees, Nelson, Norvell, Patrick, Prilliman, Proctor, Real, Robinson, Rose, Shoup, Simonson, Snook, Steele, Stewart, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Baker, Brown of White, Butterfield, Campbell, Claypool, Clements, Cuppy, Denny, Edwards, Goodenow, Hodges, Jackson, Marsh, Matheny, Mathers, Mecker, Moore of Owen, O'Neal, Osborn, Parker, Peak, Rich, Roberts, Strain, Stratton, Summers and Wilson—27.

So the main question was ordered to be put.

The question then recurring, shall the bill pass?

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Chrisman, Coffin, Cooley, Cuppy, Davis of Madison, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gorman, Hardin, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Major, Marvin, McCormick, Millikin, Mitchell, Mooney, Moore of Floyd, Myers, Nees, Nelson, Norvell, Prilliman, Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of White, Brown of Rush, Butterfield, Campbell, Carter, Clements, Denny, Dufour, Edwards, Goodenow, Hodges, Logan, Marsh, Matheny, Mathers, Meeker, Montague, Moore of Owen, O'Neal, Osborn, Parker, Patrick, Peak, Real, Rich, Roberts, Strain, and Stratton—28.

So said bill passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a bill of this House, No. 287, entitled a bill to amend the act entitled an act, concerning proceedings in ejectment, and for the relief of occupying claimants of land, approved Jan. 13th, 1831, have had the same under consideration, and have instructed me to report it back to the House without amendment, and recommend its passage, and respectfully ask to be discharged from the further consideration of the subject.

Bill No. 287. Mentioned in said report, was read a third time;

When the same was amended by unanimous consent of the House, on motion of Mr. Brown of M., as follows:

By striking out the words "construed" literally, and inserting in lieu thereof to "mean beyond the jurisdiction of the courts of the United States;"

The question then recurring upon the passage of the bill;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Leslie, Logan, Lowe, Lingle, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Wheeler, Whight, Wilson and Mr. Speaker—87.

Those who voted in the negative were,

Messrs. Marvin, Rich and Tingley—3.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. English,

Leave of absence was granted to Mr. Rose.

And, on motion,

The House adjourned until 1½ o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Brown of Marion, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to which was referred the petition of sundry citizens residing in the Miami Reserve, praying the organization of a new county, have had that subject under consideration, and have directed me to report the following bill :

No. 358. A bill to organize the county of Tipton ;

Which was read a first time and passed to a second reading on tomorrow.

On motion of Mr. Robinson,

The House took up the following parts of the revision.

The chair announced the question to be on recommitting that part that relates to enclosures, &c., with the instructions of Mr. Hargrove as heretofore offered ;

Which was decided in the affirmative.

No. 198, of the revision, which relates to funds, revenue, expenditures and property of the State and the management thereof.

The chair announced the question to be on the amendments as made by the committee of the whole ;

Which amendments were concurred in, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 367, of the revision, in relation to county business of the several counties in this State, and of the county auditor, assessor and treasurer.

The chair announced the question to be on concurring in the amendments as made by the committee of the whole.

The first amendment thereto was concurred in by the House; when, Mr. Shoup moved to concur in the second amendment, with an amendment, to wit:

Give county assessors one dollar and twenty-five cents per day.

Mr. Foulk moved to amend the amendment of Mr. Shoup by giving one dollar and fifty cents per day.

Mr. Davis of S. moved that it be left discretionary with the boards doing county business to make the allowance;—said board should not allow said assessors to exceed \$1 50 per day.

Mr. Robinson moved to amend the amendment of Mr. Davis by adding the words, “not to exceed two dollars per day;”

Which amendment was adopted.

Mr. Clements moved to amend as follows:

The assessor shall meet the citizens in their respective townships at some central place, not to exceed four days in any township, unless directed otherwise by the county board;

Which amendment was not adopted.

The third and fourth amendments as made by the committee of the whole were concurred in by the House; when,

Mr. Henley moved (Mr. Edmonson in the chair) to concur in the fifth amendment, with an amendment, to strike out three dollars and insert four;

Which motion did not prevail.

The amendment, as made by the committee of the whole, was concurred in by the House.

Also, the sixth amendment, as made by said committee, was concurred in by the House; and,

On motion of Mr. Robinson,

The rules were suspended, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 368, of that part of the revision which relates to the assessment and collection of taxes.

The chair announced the question to be on concurring in the amendments made by the committee of the whole; when,

The same were concurred in by the House, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from His Excellency, the Governor, by I. H. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts:

No. 120. An act abolishing docket fees and dispensing with final records in certain cases.

No. 254. An act declaring certain names a misprint, and for other purposes.

No. 134. An act to repeal certain acts therein named.

No. 255. An act to authorize the board of commissioners of Tippecanoe county to sell the poor house farm of said county.

No. 88. An act to legalize the acts of Isaac Tullis, deceased, late a justice of the peace for Rush county, Indiana.

No. 111. An act for the relief of Adam Clark of Carroll county.

No. 121. An act to amend the several acts for the regulation of the State Prison.

No. 152. An act to vacate Oak street and certain alleys in the town of Charlestown, in the county of Clark.

No. 243. An act to change the time of holding probate courts in Jay county.

No. 276. An act to change a certain State road in Monroe county.

No. 54. An act to legalize the assessment of Steuben county for the year A. D. 1842.

No. 78. An act to locate a State road in Pike and Dubois counties.

No. 77. An act to authorize Abednego W. Inman of the county of Dubois to change a certain State road therein named.

No. 57. An act relative to the mode of doing township business in the county of Tippecanoe.

No. 80. An act to change the name of John Cade, *alias* John Mitchell.

No. 86. An act to amend the 12th section of an act entitled, "an act prescribing the duties of county treasurers," (approved February 12th, A. D. 1841.)

No. 93. An act for the relief of Jacob Bookwalter.

No. 94. An act to amend an act entitled, "an act to incorporate the Buffalo and Mississippi railroad company."

No. 105. An act to repeal all acts or parts of acts declaring the White-water rivers navigable streams, except in the county of Dearborn.

No. 108. An act to reduce the expenses of Putnam county, and for other purposes.

No. 113. An act fixing a premium on wolf scalps.

No. 116. An act for the relief of citizens of Huntington county.

No. 90. An act for the relief of school district No. 2, in townships No. 35 and 36 north, of range No. 2 west, in the county of LaPorte.

No. 76. An act to authorize Isaac Letsenberger to build a mill across the Mississinewa river.

No. 92. An act to locate a State road in the county of Dubois.

No. 91. An act to provide for recording a State road in Sullivan and Vigo counties.

No. 84. An act to incorporate the President and trustees of the Evansville Female Seminary.

No. 213. An act providing for the incorporation of the town of Leavenworth in the county of Crawford.

No. 107. An act to reinstate a certain tract of seminary lands therein named.

No. 100. An act for the relief of Job B. Eldridge, Thomas J. Cummings and Isaac Clary, and for other purposes.

Also the following memorials and joint resolutions :

No. 104. A memorial and joint resolution to the Congress of the United States, praying appropriations to improve the navigation of the Mississippi, Ohio, Wabash, and other important rivers, which are reserved national highways, and tributaries of those mentioned.

No. 164. A joint resolution for the relief of Joseph H. Hendricks ; All of which originated in the House of Representatives.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives entitled as follows, viz :

No. 174. An act providing for the opening and repairing roads and highways in the counties of Bartholomew, Putnam, Owen and Perry ;

No. 175. An act providing for the relief of Hiram Prather, collector of Jennings county ;

No. 265. An act to amend the act regulating the duties of Clerks of the circuit courts and county auditors ;

No. 277. An act relative to granting licenses in certain counties therein named ;

No. 290. An act to authorize the county board of the county of Daviess to appoint an agent to collect any funds due the late trustees of the town of Washington, and for other purposes ;

No. 62. An act to amend an act to incorporate the New Albany Patent Bagging Manufacturing company, (approved January 29th, 1842 ;)

Nos. 62, 174 and 277 with amendments, and the others without amendment.

The Senate has also passed engrossed bills thereof entitled,

No. 146. An act legalizing the ordinances of the borough and city council of the city of Richmond, and for other purposes ;

No. 87. An act authorizing the township justices of the peace in the several townships of this State to perform the duties of overseers of the poor ;

In which bills of the Senate and amendments of the Senate to bills of the House of Representatives the concurrence of the House of Representatives is respectfully requested.

Bill No. 174, mentioned in said message, was taken up and the additional section, as made by the Senate, concurred in by the House.

Also, bill No. 277, mentioned in said message, was taken up ; when, Mr. Osborn moved that the House disagree to so much of the first amendment of the Senate to said bill as strikes out the county of Union from the body of the bill ;

Which motion was agreed to.

On motion of Mr. Wilson,

The same action was had by the House in regard to Harrison county.

On motion of Mr. Lowe,

The House concurred in the third amendment of the Senate to said bill of the House with an amendment by adding the county of Rush.

Mr. Tevis inserted the county of Shelby ; Mr. Leslie, the county of Harrison ; and Mr. Gilbert, the county of Delaware.

Bill No. 62, mentioned in said message was taken up, and the amendment of the Senate thereto, concurred in by the House.

Bill No. 146, (of the Senate,) mentioned in said message, was taken up, read a first and second times and referred to the committee on corporations.

Also, bill No. 87, (of the Senate,) mentioned in said message, was taken up, read a first and second times and referred to the judiciary committee.

The House took up the following message of the Senate, which was received by Mr. Wright, a member :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that they have passed No. 168, of the House entitled, an act for the relief of Zera Sutherland, with one amendment, in which the concurrence of the House is respectfully requested.

And, that the Senate has passed bill No. 137, entitled, an act to authorize the purchase of land, for water power, in the town of Logansport.

Bill No. 168, mentioned in said message,

Was taken up, and the amendments thereto concurred in by the House.

Also, bill No. 137, (of the Senate) mentioned in said message,

Was taken up ;

Read a first and second times and referred to the committee on canals and internal improvements.

The following message was received from the Senate, by Mr. West, a member :

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed bill

No. 160. For the relief of Philip Sweetser ;

In which the concurrence of the House is respectfully requested.
 Bill No. 160, (of the Senate) mentioned in said message, was taken up.

Read a first and second times and referred to the committee on claims.

Mr. Matheny, from a select committee, reported the following bill:

No. 359. An act to authorize Amos Myers to build a mill dam across White river in Morgan county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Millikin, on leave, introduced the following resolution:

Resolved, That the committee on roads be instructed to enquire into the expediency of so amending the road law that the road tax assessed on real estate shall be worked out in the road district where such real estate lies;

Which was adopted.

Mr. Davis of S. introduced the following bill:

No. 355. A bill supplemental to an act entitled "an act providing for the recording a state road in Sullivan and Vigo counties;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Campbell introduced the following joint resolution:

No. 360. A joint resolution for the benefit of the Representatives of the people of the State of Indiana;

Read a first and second times, when

Mr. Moore of Owen moved to strike out the town of "Lafayette" and insert "Bloomington";

Mr. Leslie moved that it be referred to a select committee;

Mr. Tevis moved to strike out "Lafayette" and insert "Jeffersonville";

The question then recurring upon Mr. Leslie's motion;

Which was decided in the negative.

Mr. Millikin moved to lay the joint resolution and pending amendments on the table;

Which was also decided in the negative.

The question then recurring on Mr. Moore's amendment;

Which was not adopted.

Mr. Hawkins moved that the rules be suspended and that the joint resolution be read a third time now;

Mr. Wilson moved to strike out all that part of the joint resolution which relates to "moonshine";

Which was negatived.

Mr. Gorman moved to strike out "Lafayette" and insert "Terre Haute";

Which was not adopted.

Mr. Coffin moved to commit it to a committee of the whole House and make it the order of the day now, with Mr. Marvin in the chair;

Mr. Henley moved, (Mr. Millikin in the chair) to lay the joint resolution on the table;

The ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of R., Butler of Vanderburgh, Chrisman, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, English, Fuller, Gilbert, Hargrove, Hawkins, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Logan, Lowe, Major, Marsh, Marvin, Matheny, Meeker, Millikin, Mitchell, Montague, Mooney, Moore of Floyd, Myers, Nees, Nelson, Norvell, Parker, Prilliman, Proctor, Real, Rich, Shoup, Simonson, Sluss, Steele, Stratton, Summers, Swihart, Tevis, Wheeler and Mr. Speaker.—59.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butterfield, Carter, Francis, Goodenow, Gorman, Hiatt, Moore of Owen, O'Neill, Osborn, Patrick, Peak, Robinson, Shelby, Snook, Stewart, Strain, Thompson and Tingley.—20.

So said joint resolution was laid on the table.

Mr. Brown of M. introduced bill

No. 361. A bill in relation to certain water power;
Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Hodges,

No. 103. A bill for the relief of Alexander Beard;
Was taken from the table; when

Mr. Moore of O. moved to indefinitely postpone the same;
And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Claypool, Coffin, Cuppy, Dufour, Edmonson, Edwards, Hargrove, Huckaby, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Meeker, Mooney, Moore of F., Moore of O., Nelson, Norvell, Osborn, Peak, Proctor, Roberts, Simonson, Sluss, Snook, Stratton, Tingley, Thompson, Wheeler and Wilson.—33.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Clements, Co-

ley, Davis of Madison, Dunn, English, Francis, Gilbert, Goodenow, Gorman, Hawkins, Hillis, Hodges, Jackson, Jones, Marsh, Millikin, Mitchell, Montague, Nees, Patrick, Real, Rich, Robinson, Shelby, Steele, Stewart, Strain, Summers, Swihart, Tevis and Williams.—43.

So said motion did not prevail.

The question then being, "shall the bill pass?"

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Carter, Chrisman, Clements, Coffin, Davis of M., Dunn, English, Francis, Gilbert, Gorman, Hawkins, Hillis, Hodges, Jackson, Jones, Mathers, Millikin, Mitchell, Nees, Prilliman, Steele, Strain, Swihart, Tevis, Thompson, Tingley and Wilson.—31.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Claypool, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Flannegan, Foulke, Fuller, Hargrove, Hiatt, Huckaby, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Marvin, McCormick, Meeker, Mooney, Moore of F., Moore of O., Nelson, Norvell, Osborn, Patrick, Peak, Proctor, Real, Simonson, Sluss, Snook, Steele, Stratton, Summers, Wheeler and Wilson.—48.

So said bill was lost.

Mr. Carter introduced the following bill :

No. 362. An act for the relief of Samuel L. McMellen ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Norvell, from a select committee, reported back to the House the following bill thereof :

No. 327. An act to amend an act entitled, "an act for the relief of the borrowers of the sinking fund, surplus revenue fund, and other funds, and for better securing the payment thereof," with one amendment, to-wit.;

Strike out from the enacting clause, and insert "a new bill." And,

On motion of Mr. Moore of O.,

Said bill and pending amendment were laid on the table.

Mr. Lingle, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined the following acts, to-wit.:

No. 291. An act for the relief of the people of Noble, Lagrange, Steuben, and Dekalb counties ;

No. 31. An act in relation to the town of Laporte ;

No. 124. An act to provide for the collection of the tax on bank stock in the county of Dearborn ;

No. 52. An act for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county, Indiana ;

No. 190. An act authorizing a subscription for the History of the State of Indiana ;

No. 311. An act supplemental to an act entitled, an act to incorporate the town of Centreville, Wayne county, Indiana, approved 31st Jan. 1834 ;

No. 122. An act for the relief of Wm. McCullough, deputy collector of the State and county revenue of Cotton township, Switzerland county, State of Indiana, for the year 1841 ;

No. 325. An act to establish an additional place of holding elections in Reserve township, in the county of Parke ;

Compared them with the engrossed bills of the House, and find them correctly enrolled, and presented the same to the Governor for his signature.

Mr. English, from the committee on enrolled bills, reports :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the enrolled with the engrossed bills and joint resolutions of the House, to-wit.:

No. 84. An act to incorporate the president and trustees of the Evansville female seminary ;

No. 91. An act to provide for recording a State road in Sullivan and Vigo counties ;

No. 78. An act to locate a State road in Pike and Dubois counties ;

No. 92. An act to locate a State road in the county of Dubois ;

No. 76. An act to authorize Isaac Letsenberger to build a mill dam across the Mississinewa river ;

No. 90. An act for the relief of school district No. 2, in township Nos. 35 and 36, north of range No. 2 west, in the county of Laporte ;

No. 116. An act for the relief of citizens of Huntington county ;

No. 77. An act to authorize Abednego W. Inman, of the county of Dubois, to change a certain State road therein named ;

No. 213. An act providing for the incorporation of the town of Leavenworth, in the county of Crawford ;

And a joint resolution for the relief of Joseph H. Hendricks, numbered 164 ;

All of which originated in the House of Representatives ; and presented the same to the Governor for his approval and signature.

The following message was received from the Senate, by Mr. Harris, a Senator :

MR. SPEAKER :

I have been directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof, being a portion of the revision of the laws :

No. 103. An act to provide for the preservation of the canals of this State, the collection of tolls thereon, and for other purposes ;

In which the concurrence of the House is respectfully requested.

The following message was received from the Senate, by Mr. Wright, a Senator :

MR. SPEAKER :

I am instructed by the Senate to inform the House of Representatives, that the Senate have passed part third of the revision entitled, a bill concerning courts and their officers, and actions and proceedings in civil cases ;

In which the concurrence of the House is requested.

Mr. Moore of O., asked and obtained leave, to introduce the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of allowing orphan children the same dower that is now allowed to widows, when they have neither father nor mother, with leave to report by bill or otherwise ;

Which was adopted.

Mr. Tevis introduced the following joint resolution ;

No. 363, entitled, a joint resolution in relation to the moving of the Capital from the City of Washington ;

Read a first time, and passed to a second reading on to-morrow.

Mr. Robinson introduced the following bill ;

No. 364. A bill attaching a part of Tippecanoe county to the county of Carroll ;

Read a first time,

When Mr. Shelby moved to reject it.

And the ayes and noes having been demanded by Messrs. Robinson and Steele,

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butier of Vanderburgh, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, Foulke, Gilbert, Goodenow, Hargrove, Hawkins, Hodges, Huckaby, Lewis, Lingle, Marvin, Matheny, Mathers, Meeker, Millikin, Mitchell, Montague, Nees, Norvell, Osborn, Peak, Prilliman, Proctor, Real,

Shelby, Simonson, Sluss, Snook, Steele, Stewart, Strain, Stratton, Swihart, Thompson, Tingley and Williams—50.

Those who voted in the negative were,

Messrs. Bowers, Brown of White, Campbell, Carter, Chrisman, Cuppy, English, Flannegan, Francis, Fuller, Gorman, Hiatt, Hillis, Jackson, Jones, Leslie, Logan, Marsh, Mooney, Moore of Floyd, Rich, Roberts, Robinson, Sumner, Wheeler and Wilson.—26.

So said bill was rejected.

The following message was received from the Senate by Mr. Tannehill a Senator:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House, No. 185, entitled an act to amend the act letting out the public works to private companies, without amendment.

And on motion,

The House adjourned until Monday morning, 8½ o'clock.

MONDAY MORNING, JANUARY 30, 1843.

The House met pursuant to adjournment.

PETITIONS &c. PRESENTED:

By Mr. Prilliman;

Of citizens of Huntington and Wells counties, asking the location of a certain State road therein named;

Which was referred to the committee on roads.

By Mr. Chrisman;

The remonstrance of Cyrus D. Kelly and others, against the change of a certain State road therein named.

By Mr. Dunn;

Of citizens of Grant county, in relation to the surplus revenue in said county;

Which was referred to a select committee of Messrs. Dunn, Brown of M., Lowe and Butler of R.

REPORTS FROM STANDING COMMITTEES.

Mr. Lowe, chairman of the committee on claims, reported back to the House certain "State House vouchers" and asked that they be referred to the committee on public buildings;

Which were so referred.

Mr. Tinley, a member of the judiciary committee, reported the following bill:

No. 369. Entitled a bill to legalize the acts of Conrad Beard of White river township, in Hamilton county, Indiana;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Steele, a member of the committee on military affairs, reported bill,

No. 370. A bill to authorize the Marion Guards to occupy a room in the House on the Governor's circle;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Tingley, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the petition of William A. Bickle, *et. al.* have had the multifarious subject matters therein set forth, and specifically alleged, under consideration: your committee duly appreciate the manifold grievances and misfortunes under which the petitioners travail, more especially that worst of all "crying evils," alias, "Yankee clock pedlars" whose peregrinations through the Hoosier land, have been, not unlike the visits of the Locusts through the kingdom of the Pharaoh's: much legislation has been had to obviate this evil, but has proved abortive, like the Irishman's flea, "put your finger on them and they are not there:" they avoid all legislative enactments, believing that the matters contained in said petition are as substantially provided for by present laws as practicable: your committee ask to be discharged from the further consideration thereof.

Which report was concurred in by the House.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER :

A few days ago, this House referred to the committee on the judiciary the following communication :

“AUDITOR’S OFFICE,
January 14th, 1843.”

Hon. T. J. Henley,

Speaker of the House of Representatives:

This morning I received a communication from the Treasurer of Lake county, informing me that on the first Monday of January inst. he proceed to offer, and did sell, all the delinquent lands of Lake county, except two sections, (which land was mostly non-resident,) and received about 300 dollars from purchasers thereof. A few days after such sale, information reached his county, of the postponement of sales, until 1844. I am requested to advise him what he shall do in the premises; whether the sale is good without an act legalizing it? or whether he should, without further enactments, offer to the purchasers their money, and request them to return their certificates of purchase. Believing the subject requires legislative intervention, I have made this communication, not doubting but the Legislature will take such action as the case requires. It is probable that other distant counties are similarly situated; and should there be any enactment, it would probably be well to make its provisions general.

Respectfully yours,

MORRIS MORRIS,

Auditor Public Acc’ts.”

Said committee have had the foregoing communication under their consideration, and have instructed me to report, that in the opinion of your committee, the General Assembly can pass no act, either legalizing or declaring as void, the sale of those delinquent lands, referred to in the above communication. All the Legislature has power to do is, to express its opinion, which can have no more binding authority upon the subject, than the opinion of any person in a private capacity. The Legislature has enacted the laws governing the matter under consideration, and the effect that those laws, in connection with the transaction of officers acting under them, have upon the conflicting rights of individuals, is a subject of judicial and not legislative investigation. The General Assembly enacts laws, and when the rights of persons come in conflict under the operation of those laws, it is the sole province of courts of justice to decide between the parties. Your committee do not hesitate to give it as their opinion, that all sales of delinquent lands for taxes made (in pursuance of the law of A. D. 1841,) on the first day of January, 1843 are inoperative and void.

The committee, however, for the information of this House, deem it their duty to state the reasons which led them to this conclusion.

The 8th section of the 11th article of the constitution of the State of Indiana, declares that "no act of the General Assembly shall be in force until it shall have been published in print, unless in cases of emergency."

Now the affirmative language of this section would be, "that all acts of the General Assembly shall be in force from and after their publication in print, &c."

The act of the present General Assembly postponing the sale of delinquent lands until the first of January, A. D. 1844, was passed and approved on the twenty-first of December, A. D. 1842, and was declared to be in force from and after its publication in the Indiana Journal and State Sentinel, and was published in both of these papers on the twenty-third of the same month; about eight days before the sale of delinquent lands was to take place under the law in force before the passage of this act.

Therefore, according to the provision of the Constitution above quoted, this law was in force from and after the twenty-third day of December, in the year 1842, and the sale of delinquent lands postponed until the first day of January, in the year eighteen hundred and forty-four. And, as a consequence, all sales of delinquent lands made, commencing on the first day of January, in the year 1843, are inoperative and void, and titles to those lands made to the purchasers thereof must be invalid.

The county treasurers under this state of facts will, in the opinion of your committee, be justifiable in returning the purchase money to those purchasers.

The committee recommend the passage of the accompanying joint resolution, and respectfully ask to be discharged from further consideration of the subject.

No. 71. Entitled a joint resolution relative to the sale of non-resident lands in the State of Indiana in 1842, mentioned in said report, was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Tingley, a member of the judiciary committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House,

No. 350, have had the same under advisement, and are of opinion that the laws on that subject are now as just and reasonable as could be desired, and that no further legislation on that subject is called for. They, therefore, report said bill back and recommend that it be laid on the table, and that the committee be discharged from the further consideration thereof.

Said bill, No. 350, mentioned in said report, was reported back to the House, and, on motion of Mr. Brown of Dearborn, was laid on the table.

On motion of Mr. Summers,

Leave of absence was granted to Mr. Parker on account of sickness in his family, during the remainder of the session.

Mr. Brown of Marion, chairman of the committee on the judiciary, made the following report :

MR. SPEAKER:

The judiciary committee, to which was referred a bill,

No. 69, (of the Senate,) for the relief of certain persons therein named, have had that subject under consideration, and have directed me to report the same back and recommend its passage.

No. 69, (of the Senate,) A bill for the relief of certain persons therein named, reported back to the House and passed to a second reading on to-morrow.

Mr. Brown of Marion, chairman of the committee on the judiciary, made the following report :

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House,

No. 187. Entitled a bill to subject equitable interest in real property and choses in action to the payment of debts, have had that subject under consideration, and have directed me to report the same back and recommend that it be laid on the table.

No. 187. A bill to subject equitable interest in real property and choses in action to the payment of debts, reported back to the House and, on motion, laid on the table.

Mr. Davis of Madison, a member of the judiciary committee, made the following report :

MR. SPEAKER:

The judiciary committee, to whom was referred a resolution of this House instructing said committee to enquire into the expediency of making certain amendments to the execution law, have considered the subject, and have directed me to report that the amendments required by the resolution are provided for in the revision, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Denny, a member of the committee on agriculture, made the following report :

MR. SPEAKER:

The committee on agriculture, to which was referred the petition of sundry citizens of Jefferson county, praying that the provisions of an act entitled, "an act for the preservation of sheep," (approved January 25th, 1841,) may be extended to said county of Jefferson, have had that subject under consideration, and have directed me to report that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject ;

Which report was concurred in by the House.

Mr. Brown of Marion, chairman of the committee on the judiciary, made the following report :

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House,

No. 347, have had the same under consideration, and have directed me to report the same back to the House, with an amendment, and recommend its passage.

Amend the bill by striking out the following words, in the second line of the second section, to wit :

"Committee of ways and means," and insert "Governor, Auditor, and Secretary of State."

The amendment mentioned in said report was concurred in by the House, and the bill referred to the committee of ways and means.

Mr. Claypool, on leave, presented the remonstrance of citizens of Fayette county, against the repeal of a certain law commonly called the "dog law ;"

Which was referred to the same select committee to which that subject had been heretofore referred.

Mr. Swihart, on leave, presented the petition of citizens of Miami county, praying relief in regard to the usury law ;

Which was referred to the committee on revision.

Mr. Matheny, on leave, presented the petition of citizens of Morgan and Putnam counties, praying the location of a certain State road therein named ;

Which was referred to the committee on roads.

Mr. Clements, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill,

No. 307. Entitled a bill in relation to the northern division of the Central canal, have had the same under consideration, and have directed me to report it back to the House and recommend its passage.

No. 307. A bill in relation to the northern division of the Central canal, reported back to the House; when,

Mr. Foulk moved to amend by striking out "three" and insert "\$50;"

Which was agreed to.

The question then recurring, "shall the bill pass?"

And the ayes and noes having been demanded by Messrs. Brown of Marion and Huckaby :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Meeker, Millikin, Mooney, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Roberts, Robinson, Shoup, Simonson, Sluss, Snook, Stewart, Tingley and Mr. Speaker.—50.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butler of Vanderburgh, Butterfield, Coffin, Cuppy, Davis of M., Denny, Edwards, Flannegan, Gilbert, Goode-now, Hawkins, Hillis, Huckaby, Leslie, Logan, Mathers, Montague, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Swihart, Tevis, Thompson, Wheeler, Whight and Wilson.—33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tingley, a member of the committee on education, reported the following bill :

No. 372. A bill for the relief of James Silvers of Rush county, Indiana ;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Norvell, a member of the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred a petition of sundry citizens of Franklin county, praying the levy of a tax for the support of common schools, have had the same under consideration,

and directed me to report it inexpedient to legislate on that subject at this time, and ask to be discharged from further consideration of the same.

Also report back to the House the communication of John M. King, auditor of the county of Switzerland, to John Dumont, Esq., Prosecuting Attorney for the third judicial circuit, respecting certain school funds therein named, and request the same to be laid on the table ;

Which report was concurred in by the House.

Mr. Rich, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred petitions from citizens of Randolph, Clay and other counties of this State, in relation to stays, stops, executions, set-offs, property payments, and all kinds of relief, have had those various subjects under consideration, also, divers resolutions to the same tenor and effect, and beg leave to report, that it is with feelings of *ecstatic felicity*, that the judiciary committee have it in their power to say through you to the petitioners and the country, that this House has, in anticipation, let the "light of its countenance shine reconciled" upon their behests in such a manner as your committee have faith to believe, will find favor in their sight.

The subject matter of said petitions and resolutions having been heretofore disposed of, your committee ask to be discharged from their further consideration.

Mr. Gorman dissenting ;

Which report was concurred in by the House.

Mr. Bradley, chairman of the committee on education, reported the following bill:

No. 373. A bill for the relief of James Smith of Gibson county ;

Read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

Mr. Gorman, chairman of the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred the petition of Messrs. Kinney, Wright & Gookins, for money paid to the use of the State, and for professional services to the State, in three suits in the Clay and Parke circuit courts, have had that subject under consideration, and have directed me to report a bill for their relief ;

No. 374. A bill for the relief of Kinney, Wright & Gookins ;

Read a first time and passed to a second reading on to-morrow.

Mr. Lingle, a member of the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to which was referred the petition of the voters of congressional township, No. 35, north of range 4, west, in Laporte county, have had that subject under consideration, and directed me to report the same inexpedient to legislate upon at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Leslie, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to which was referred a resolution of this House, on the subject of giving the commissioners of the several counties a discretionary power to decrease the width of roads have, according to order, had that subject under consideration, and have directed me to report, that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Wheeler, on leave, presented the petition of citizens of Fulton county, asking the repeal of a certain law therein named;

Which was referred to a select committee of Messrs. Wheeler, Cuppy and Campbell.

Mr. Simonson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred the communication of the Governor, of the 21st inst. inclosing a letter and account current of J. J. Cohen, jr., & Brothers, of Baltimore, in relation to the transactions of their firm, with the State of Indiana, on contracts made with the fund commissioners for State bonds, have had the same under consideration, and in consequence of the position in which circumstances have heretofore placed said firm before the people of this State, the committee have bestowed more than ordinary attention to the subject referred to them, and have directed me to report, that all the transactions of said firm, with the State of Indiana, are characterised throughout by an entire uprightness of dealing and good faith on their part: in expressing this as their unanimous opinion, the committee have been governed by the report of Gov. Noble, late fund commissioner, the report of Mr. Bright, Agent of State, and the aforesaid account current; the committee therefore present the accompanying joint resolution, authorizing the final settlement of the accounts of said firm, and recommend its passage.

J. S. SIMONSON, Chairman.

No. 375. A joint resolution, authorizing the Agent of State to settle with J. J. Cohen, jr. & Brothers, mentioned in said report;

Was read a first and second times; when

Mr. Moore of O. moved to amend as follows:

“Provided, That the bond so presented shall not be any bond for which the State has authorized the holder to bring suit against the State;”

And the ayes and noes having been demanded by Messrs. Moore of Owen and Clements;

Those who voted in the affirmative were,

Messrs. Baker, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Chrisman, Cooley, Dufour, Dunn, Edmonson, Hargrove, Huckaby, Jones, Leslie, Logan, Lowe, Marvin, Meeker, Moore of Floyd, Moore of Owen, Nees, Osborn, Peak, Rich, Roberts, Shelby, Shoup, Sluss, Summers, Wheeler, Williams and Wilson.—32.

Those who voted in the negative were,

Messrs. Bales, Bradley, Brown of Dearborn, Campbell, Carter, Claypool, Coffin, Davis of Madison, Davis of Sullivan, Denny, Edwards, Gilbert, Goodenow, Gorman, Hawkins, Hillis, Hiatt, Hodges, Johnson, Lee, Lewis, Major, Marsh, Millikin, Mitchell, Montague, Mooney, Nelson, Norvell, O’Neal, Patrick, Prilliman, Proctor, Real, Robinson, Simonson, Snook, Steele, Strain, Swihart, Thompson, Tingley, Whight and Mr. Speaker.—44.

So said amendment was not adopted.

The question then being, shall the bill be considered as engrossed and read a third time now?

It was agreed to.

The question then recurring on the passage of the bill;

And the ayes and noes having been demanded by Messrs. Moore of O. and Roberts:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Butler of Vanderburgh, Campbell, Carter, Claypool, Clements, Davis of Madison, Davis of Sullivan, Denny, Dunn, Edwards, English, Flannegan, Gilbert, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Lee, Major, Marsh, Marvin, Meeker, Millikin, Mitchell, Montague, Mooney, Moore of Floyd, Nees, Nelson, Norvell, O’Neal, Patrick, Prilliman, Proctor, Real, Rich, Robinson, Simonson, Snook, Steele, Strain, Summers, Swihart, Tingley and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Brown of White, Chrisman, Cooley, Cuppy, Dufour, Fuller, Hargrove, Huckaby, Jones, Leslie, Logan, Matheny, Moore of Owen, Osborn, Roberts, Shelby, Shoup, Sluss, Stratton, Thompson, Wheeler, Whight, Williams and Wilson—26.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate recedes from so much of its first amendment to the bill of the House of Representatives, No. 277, relative to granting licenses in certain counties therein named, as relates to the counties of Union and Harrison, and has concurred in the amendment of the House to the third amendment of the Senate.

Mr. Lowe, chairman of the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of H. Cumingore, have had that subject under consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Thompson, from a select committee, reported the following bill:

No. 376. A bill to locate a State road from Bluffton, Wells county, to Raccoon Village, Huntington county;

Read a first and second times and referred to the committee on roads.

Mr. Strain, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Sundry citizens of Vigo county, praying the enactment of a law authorizing the appointment of an inspector of beef, Pork and flour, have had that subject under consideration, and have directed me to report, that in their opinion, the provisions made in the revision are amply sufficient, and therefore ask to be discharged from the further consideration of that subject;

Which report was concurred in by the House.

Mr. Nees, from a select committee, reported the following bill:

No. 377. An act for the location of a State road in the counties of Putnam, Clay and Vigo;

Read a first and second times and referred to the committee on roads.

Mr. Bradley, chairman of the committee on education, reported the following bill:

No. 378. A bill relative to school taxes in Noble and Lagrange counties;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Cuppy, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry petitions from citizens of Kosciusko county, in relation to the laws regulating township business, have had that subject under consideration, and have directed me to report the following bill and recommend its passage:

No. 379. A bill to extend the provisions of certain acts therein named to the county of Kosciusko;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. Dufour:

No. 380. A joint resolution on the subject of counting and cancelling State bonds that have been redeemed;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Carter:

No. 381. A bill relating to the seminary fund in Cass county;

Read a first and second times and referred to the committee on education.

By Mr. Hodges:

No. 382. An act to repeal certain sections of an act therein named;

Read a first and second times and referred to the committee on the judiciary.

By Mr. Dufour:

No. 383. A bill to repeal so much of the 52d section of an act entitled, "an act prescribing the duties of county auditors, (approved February 12th, 1841,) as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland, and for other purposes;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

By Mr. Thompson :

No. 384. A bill for the relief of James Gee, and Abigail Gee, of Huntington county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Nees :

An act to authorize the board doing business in the county of Clay to transcribe a certain record therein named.

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Baker,

Resolved, That His Excellency, the Governor, report to this House the amount of public arms received from the United States, and the description thereof, and the manner of the distribution thereof, and to what brigades they may have been assigned.

Mr. Claypool, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred a bill providing suitable punishment for defaulting public officers, have, as directed by the House, had the subject under consideration, and have carefully compared the provisions of the bill with the present law as requested by the House, and find a material difference in the enactments proposed by the bill and the statute now in force. The act now in force will be found on page 185,—acts of 1840–41, and declares “that if any officer known to the Constitution or laws of the State, from whom an oath and bonds of office is required, may be knowingly guilty of any act or omission,” &c., without specifying the particular act of using the public funds as a crime, which your committee conceive to be in too general terms for a criminal law, and are of opinion that it would be difficult to sustain an indictment against a public officer for the particular crime of using public funds under it. It also makes it necessary for the prosecutor to sustain the indictment ; to prove that the officer *intended* to defraud some person or persons, “body corporate or politic.” The committee are of opinion that it would be next to impossible to prove such intention. It would be an easy matter for the officer to allege that he had no intention to defraud any person, although he had squandered away every dollar in his hands by loaning it to his neighbors, purchasing property for speculation, &c., &c. Your committee are informed that the act above alluded to was drafted by an able lawyer, but was not intended to meet the particular case desired by the bill now before them ; it is, therefore, not at all strange that there has been no convictions against defaulting officers under it.

In the bill referred to your committee there is a provision which makes it *prima facie* evidence against any holder of public funds of having applied such funds to his own use if he cannot, or does not, when legally called on, by the proper person account for such funds. The com-

mittee conceive this to be proper and just, in order to secure a faithful accountability of the public money. The committee deem it unnecessary to go further into detail on the subject, notwithstanding its importance to the country. Believing that the merits of the bill has already been explained, and are well understood by the House, they, therefore, report the bill back to the House, with one amendment, and recommend its passage.

Strike out from the enacting clause and insert a new bill.

Mr. Rich, from a minority of said committee, dissents from the bill, as reported by the majority of said committee, and reported the following bill :

No. 386. A bill providing suitable punishment for public defaulting officers.

The question then recurring upon the concurrence of the amendment as reported by the majority of the committee ;

And the ayes and noes having been demanded by Messrs. Claypool and Bradley :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of W., Butler of R., Butler of V., Claypool, Coffin, Cooley, Davis of S., Dufour, Dunn, Foulke, Francis, Goodenow, Hiatt, Hillis, Huckaby, Leslie, Lingle, Major, Marsh, Marvin, Matheny, Mathers, Meeker, Mitchell, Mooney, Moore of F., Moore of O., Myers, Nees, O'Neal, Patrick, Proctor, Shelby, Shoup, Simonson, Steele, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Whight, Williams and Wilson.—48.

Those who voted in the negative were,

Messrs. Baker, Brown of M., Brown of R., Carter, Clements, Cuppy, Davis of Madison, Denny, Edmonson, Edwards, English, Flannegan, Fuller, Gilbert, Hargrove, Hawkins, Jackson, Johnson, Jones, Lewis, Lee, Logan, Lowe, Millikin, Nelson, Norvell, Osborn, Peak, Prilliman, Real, Rich, Roberts, Robinson, Sluss, Snook, Stewart, Tevis, Wheeler and Mr. Speaker.—39.

Which was decided it the affirmative.

Mr. Henley (Mr. Davis of M. in the chair) moved to lay the whole subject matter on the table ;

And the ayes and noes having been demanded by Messrs. Whight and Claypool :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Butterfield, Campbell, Carter, Clements, Cuppy, Davis of M., Davis of Sullivan, Denny, Dunn, Edmonson, Edwards,

English, Flannegan, Fuller, Gilbert, Goodenow, Hargrove, Hawkins, Hodges, Jackson, Johnson, Jones, Lee, Lewis, Lowe, Marsh, Millikin, Moore of F., Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Real, Roberts, Robinson, Simonson, Sluss, Snook, Tevis, Tingley and Williams.—48.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of White, Butler of Randolph, Butler of Vanderburgh, Claypool, Coffin, Cooley, Davis of M., Dufour, Foulke, Francis, Hiatt, Huckaby, Leslie, Lingle, Logan, Major, Matheny, Mathers, Meeker, Mitchell, Mooney, Myers, Nees, Patrick, Proctor, Rich, Shelby, Shoup, Steele, Strain, Stratton, Summers, Swihart, Thompson, Wheeler, Whight and Wilson.—38.

So said motion prevailed.

Mr. Thompson introduced the following bill :

No. 387. A bill to locate a State road from the Ohio State line to Fort Wayne ;

Read a first and second times, and referred to the committee on roads.

The House took up the following message of the Senate, which was received by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed, without amendment, engrossed bills of the House of Representatives entitled,

No. 37. An act to vacate a portion of a certain State road in Noble and Lagrange counties ;

No. 54. An act to amend an act incorporating the Wayne, Union, and Randolph turnpike company, and the Wayne and Union turnpike company, (approved January 24th, 1842 ;

No. 58. An act to incorporate the Lafayette band ;

No. 79. A joint resolution in relation to the Grand Rapids of the Wabash river ;

No. 101. An act to authorize John Sour to build a mill dam across the Wabash river ;

No. 230. An act to relocate a State road from Columbus in Bartholomew county to Nashville in Brown county ;

No. 227. An act to incorporate the Delancy Academy, in the town of Newburgh, Warrick county ;

No. 242. An act to locate the seat of justice in Benton county ;

No. 251. An act for the relief of John C. Reily of Perry county ;

No. 268. An act for the relief of the trustees of the Methodist Episcopal Church, of the town of Centerville, Wayne county ;

No. 269. An act to locate a State road from Evansville to Petersburg;

Also, the following engrossed bills of the House, with amendments, entitled as follows, viz:

No. 32. An act in relation to the Jeffersonville and Crawfordsville turnpike road;

No. 59. An act to repeal an act therein named;

No. 123. An act to provide for paying claims and purchasing land at sites for water power on the Wabash and Erie Canal;

No. 145. An act providing for numbering, signing, and registering the Wabash and Erie Canal Scrip east and west of the Tippecanoe river, and for other purposes;

No. 218. An act for the relief of the securities of John Plasters, school commissioner of Miami county;

No. 292. An act for the relief of J. J. Burton and Joseph Luther;

In which amendments the concurrence of the House is respectfully requested.

The Senate has passed engrossed bills and a joint resolution thereof, entitled:

No. 7. An act for the location of a State road in Daviess county;

No. 8. An act providing for a State road from Noble to Lagrange county;

No. 50. An act for the relief of the estate of Hugh O'Neal, deceased, late of Huntington county;

No. 153. An act to amend an act to change the town of Jeffersonville, approved Jan. 3d, 1817, and for other purposes;

No. 154. An act to legalize the proceedings of the trustees of the Greensburgh Presbyterian Church;

No. 155. An act fixing the time of holding courts in the eighth judicial circuit;

No. 156. A joint resolution to provide a market for water rotted hemp;

No. 162. An act legalizing the appraisement of lands in Madison county;

No. 166. An act confirming the proceedings of certain township trustees therein named;

No. 167. An act providing for the formation of two separate corporations for school purposes, out of congressional township No. 37, north of range four east;

In which several bills and joint resolutions of the Senate I am instructed to request the concurrence of the House of Representatives.

The amendments of the Senate to bills of the House, Nos. 22, 123, 145, 218, and 292, mentioned in said message, were concurred in by the House;

The amendment to bill No. 59, of the House, mentioned in said message, was not concurred in.

ENGROSSED BILLS OF THE SENATE.

Engrossed bills of the Senate, mentioned in said message, Nos. 7, and 8. Were read a first and second times and referred to the committee on roads.

Engrossed bills of the Senate, mentioned in said message, Nos. 153, 154, and 166. Were taken up, and

Read a first time and passed to a second reading on to-morrow.

Engrossed bill No. 50, of the Senate, mentioned in said message, was taken up, and read a first and second times and passed to a third reading on to-morrow.

Engrossed bill No. 155, of the Senate, mentioned in said message, was read a first and second times, and

Referred to a select committee of Messrs. Brown of M., Robinson, Jones and Mathers.

Engrossed bills Nos. 162, and 167, of the Senate, mentioned in said message,

Were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Brown of D.,

The House resolved itself into a committee of the whole, on bills, No. 348. A bill concerning the eligibility and qualifications of Directors of the State Bank and Branches thereof;

No. 349. A bill to repeal the 30th section of the second amendment of the Bank charter, and the act to create a seventeenth Branch Bank District;

With Mr. Brown of M. in the chair,

And after having spent some time therein, and made several amendments thereto, the committee rose, and through its chairman reported the same to the House, and asked its concurrence therein.

The amendments made by the committee of the whole, to bill No. 348, were concurred in by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

No. 349. A bill;

Ordered to be engrossed for a third reading on to-morrow.

Mr. Gorman, on leave, introduced the following bill:

No. 388. A bill fixing the time of holding courts in the 10th judicial circuit;

Read a first and second times and referred to the delegation from the 10th judicial circuit.

On motion of Mr. Edwards,

The House took up that part of the revision which relates to courts, their officers, &c.;

Read the same the first and second times, and referred to a committee of the whole House, and made the order of the day for half past one o'clock, P. M. to-day.

Also, No. 103. Of the revision, entitled "an act to provide for the preservation of the canals of this State, the collections of tolls thereon, and for other purposes."

BILLS ON THIRD READING.

No. 351. A bill for the relief of Isaac Nelson, and for other purposes;

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS ON A SECOND READING.

No. 71. (Of the Senate) a bill to incorporate the Muncietown Band of Musicians;

Read a second and third times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 64. (Of the Senate) a bill providing for a State road from Cochren's mill to Auburn, DeKalb county;

Read a second time and referred to the committee on roads.

No. 54. (Of the Senate) an act to regulate the sale of real estate by executors, administrators or guardians;

Read a second time and referred to the judiciary committee.

No. 61. (Of the Senate) an act to amend an act entitled "an act for the relief of Huntington county, approved Jan. 25th, 1842;"

Read a second time and referred to the committee on canals and internal improvements.

No. 63. (Of the Senate) an act to provide for the collection of a township tax by the county treasurers;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 313. (Of the House) a bill for the relief of Henry Johns;

Read a second time;

And amended on motion of *Mr. Thompson* as follows:

"To fill the contracts heretofore made with Samuel Edsall and Hamilton and Williams;

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Tingley, a member of the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined bill of the House No. 168, "an act for the relief of Zera Sutherland," and find on comparison with the engrossed bills, that it is correctly enroled, have presented the same to the Governor for his signature.

No. 324. An act relative to taxes on sheep and for other purposes;

Read a second time and referred to the committee of ways and means.

No. 144. (Of the Senate) an act to amend an act entitled "an act for the election of county assessor;

Read a second time and referred to the committee of ways and means.

No. 358. A bill to organize the county of Tipton;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

The Seaker laid before the House a communication from N. B. Palmer, Bank examiner;

And on motion of Mr. Brown of D.,

The same was laid on the table and five hundred copies ordered to be printed.

No. 363. A joint resolution in relation to the moving of the Capitol from the city of Washington;

Read a second time and laid on the table.

No. 72. (Of the Senate) a bill to modify the power to sell or remove the public county buildings in the county of Knox;

Read a first and second times and referred to a select committee of Messrs. Gorman, Myers and Davis of S.

And on motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Edwards,

The House resolved itself into a committee of the whole, on part third of the revision;

With Mr. Edwards in the chair,

An after having spent some time therein, and made one amendment thereto, the committee rose, and through its chairman reported the same to the House, and asked their concurrence thereto, and leave to sit again;

Which amendment was concurred in by the House.

Bill of the Senate No. 103. An act to provide for the preservation of the canals of this State, the collection of tolls thereon, and for other purposes;

Was read a third time and passed.

Mr. Robinson moved to amend part third of the revision, by striking out of the same "all laws authorizing a landlord to distrain for rent;

And the ayes and noes having been demanded by Messrs. Edwards and Robinson:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Butler of Randolph, Chrisman, Davis of Madison, English, Fuller, Gorman, Hawkins, Hillis, Johnson, Major, Millikin, Mitchell, Rich, Roberts, Robinson, Rose, Snook and Williams—18.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hardin, Hargrove, Hiatt, Hodges, Huckaby, Jackson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Marvin, Matheny, Mathers, Meeker, Mooney, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Prilliman, Proctor, Real, Shelby, Simonson, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler and Mr. Speaker—57.

So said motion did not prevail.

And on motion of Mr. Edwards,

The rules were suspended, the bill considered as engrossed, and read a third time;

And the question being, shall the bill pass?

And the ayes and noes were demanded by Messrs. Matheny and Robinson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Logan, Lowe, Major, Marsh, Marvin, Matheny, Mathers, Meeker, Millikin, Mooney, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Prilliman, Proctor, Real, Rich, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Chrisman, Davis of Madison, English, Fuller, Hawkins, Hillis, Robinson, Rose and Williams—9.

So said bill passed.

Mr. Thompson, on leave granted, offered for adoption, the following resolution:

Resolved, That this House will, the Senate concurring therein, refuse to receive or entertain any new measure after Thursday the 9th of Feb. next;

Mr. Shoup moved to amend said resolution by adding the words "unless two thirds of the members should consent to receive and entertain the same;"

Mr. Robinson moved to amend said resolution by striking out the "9th" and insert the "11th;"

Mr. English moved to lay the resolution and pending amendments on the table;

Which motion did not prevail.

The question then recurring upon Mr. Shoup's amendment;

Which was not adopted.

Then on Mr. Robinson's amendment;

Which was not agreed to.

The resolution as offered by Mr. Thompson, was adopted.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole on bill No. 74, "a bill to provide for the reduction of the fees and salaries of the several officers of this State,

With Mr. Marvin in the chair;

And after having spent some time therein, and stricken the bill out from the enacting clause, the committee rose, and through its chairman, reported that fact to the House, and asked its concurrence thereto;

And the ayes and noes having been demanded by Messrs. Gorman and Brown of M.:

Those who voted in the affirmative were,

Messrs. Brown of White, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Hawkins, Mitchell, Sluss, Stratton and Swihart—12.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Edwards, Foulke, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, Meeker, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Rich Robinson, Rose, Shelby, Shoup, Simonson, Snook, Steele, Stewart, Strain, Summers, Tevis, Thompson, Tingley, Williams, Wilson and Mr. Speaker—72.

So the House refused to concur in the amendment as made by the committee of the whole.

And on motion,

The House adjourned till to-morrow morning half past 8 o'clock.

TUESDAY MORNING, JAN. 31, 1843.

The House met pursuant to adjournment.

PETITIONS &c. PRESENTED:

By Mr. Hodges ;

The remonstrance of citizens of Vigo county, in relation to the Wabash and Erie canal;

Which was referred to the same select committee to which that subject had been heretofore referred.

By Mr. Butterfield;

Of citizens of Warren county, in relation to the three per cent. fund, in said county;

Which was referred to the committee on claims.

By Mr. Shelby;

Of citizens of Tippecanoe county, praying the erection of a bridge across the Wabash and Erie canal;

Which was referred to a select committee of Messrs. Shelby, Nelson and Coffin.

By Mr. Norvell ;

Of citizens of Lawrence and Orange counties, in relation to a certain State road therein named ;

Which was referred to the same select committee to which that subject had been heretofore referred.

Mr. Bowers, from the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to whom was referred sundry petitions of the citizens of the counties of Dearborn and Ripley, relative to the bridge over Laugherey creek, have had the same under consideration and have instructed me to report the following bill and recommend its passage :

No. 389. A bill for finishing a bridge over Laugherey creek, and for other purposes ;

Read a first and second times ; when,

Mr. Millikin moved to amend by striking out "Elias Conwell" and insert "Henry Hannegan ;,"

Which prevailed.

The bill was then read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Leslie, chairman of the committee on roads, made the following report :

MR. SPEAKER :

The committee on roads, to which was referred bill,

No. 299. To improve certain State roads therein named.

Bill No. 304. To compel supervisors to expend money on their roads.

Bill No. 331. Regulating the compensation of supervisors in the county of Rush ; and,

Bill No. — To improve the Fort Wayne and South Bend State road in Elkhart county, have had the same under consideration, and have directed me to report the same back without amendment ;

All of which bills mentioned in said report were read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of Rush, from the committee on corporations, made the following report :

MR. SPEAKER :

A majority of the committee on corporations, to whom was referred bill,

No. 300. In relation to the church property of the Roman Catholic Church, have had that subject under consideration, and directed me to report the same back to the House, with two amendments, and recommend its passage.

1st amendment.

In the third line after the word "office," "provided he be a naturalized citizen of the United States, or have filed his declaration with intent of becoming a citizen."

2d amendment

Add, "the Legislature reserves the right to alter, amend, modify, or repeal this act of incorporation at any time hereafter by a vote of a majority of both branches of the General Assembly ;

Which amendments were concurred in.

Mr. Bowers, from the minority of said committee, made the following counter report :

MR. SPEAKER:

The undersigned, a minority of the committee on corporations, to whom was referred bill of the House,

No. 300. Entitled a bill relative to the church property of the Roman Catholic Church, dissents from the report of the majority of said committee, for the following reasons :

1st. Because, in the opinion of the undersigned, the act entitled, "an act for the appointment of trustees to receive deeds for lots or land given or purchased for the use of schools, meeting houses, and masonic lodges," (approved February 10th, 1831,) grants privileges amply sufficient for all religious purposes.

2d. Because no privileges should be granted to one denomination that are withheld from others.

3d. Because the bill contravenes the established law of the State, that no subject of any other government shall hold or exercise ownership over any land in this State, while this bill gives these privileges to the Bishop of Vincennes, who is appointed by the Pope, and who has the power of removing him at pleasure and appointing another in his place; thereby giving the sole control of property to an unlimited amount to the hands of an alien and subject of the Roman Pontiff.

The undersigned cannot see any propriety in conferring power on a subject of the Pope that are refused to native citizens. By the act above referred to no religious society is allowed to hold more than 160 acres of land and five thousand dollars worth of personal property, which shall be under the direction of not less than three trustees. But this bill gives to the Bishop the sole control of all property belonging to the Roman Catholic Church in the State; thereby concentrating in his hands power to an unlimited extent, as the number of societies is unlimited; they may divide and subdivide as often as may become necessary to enable the Bishop to hold more property. The undersigned cannot but think that all the Roman Church can, with propriety, ask of this government is to be placed on an equal footing with the Protestant Churches, and as that is already done by the act above alluded to, the undersigned recommends the indefinite postponement of the bill.

H. J. BOWERS.

Mr. Sluss moved to lay the bill as amended on the table ;
And the ayes and noes having been demanded by Messrs. Thompson and Whight :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Claypool, Coffin, Cuppy, Davis of Madison, Goodenow, Gorman, Hardin, Hodges, Jackson, Johnson, Lee, Logan, Lowe, Moore of O., Marvin, Matheny, Nees, Rich, Rose, Shelby, Simonson, Sluss, Steele, Wheeler and Whight.—32.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Vanderburgh, Butterfield, Clements, Cooley, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Fuller, Gilbert, Hargrove, Hawkins, Hillis, Huckaby, Jones, Leslie, Lewis, Lingle, Major, Marsh, Mathers, Meeker, Millikin, Mitchell, Mooney, Moore of F., Nelson, Norvell, O'Neal Osborn, Patrick, Peak, Prilliman, Proctor, Real, Roberts, Shoup, Snook, Stewart, Strain, Stratton, Swihart, Tevis, Thompson, Tingley, Wilson and Mr. Speaker.—60.

So said bill was not laid upon the table.

Mr. Bowers moved to indefinitely postpone said bill.

Mr. Rich moved to reconsider the vote just taken on laying on the table ;

Which motion prevailed.

The question then recurring, shall the bill be laid on the table ?

Which was decided in the affirmative.

Mr. Robinson, from the committee on elections, made the following report :

MR. SPEAKER:

The committee, to whom was referred the credentials of Samuel P. Mooney, as a member of this House from the county of Jackson, do find on examination of the same that the said Samuel P. Mooney has been duly elected a member of this House from the said county.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House,

No. 265. An act to amend an act entitled, "an act regulating the duties of clerks of the circuit courts and county auditors," (approved January 31st, 1842.)

No. 62. An act to amend an act entitled, "an act to incorporate the New Albany Patent Bagging Manufacturing Company," (approved January 29th, 1842.)

No. 290. An act to authorize the county board of the county of Daviess to appoint an agent to collect any funds due the late trustees of the town of Washington, and for other purposes.

No. 175. An act for the relief of Hiram Prather, collector of Jennings county.

No. 185. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State, by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, (approved January 28th, 1842.)

No. 163. An act to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Pali to Mount Pleasant.

No. 174. An act providing for the opening and repairing roads and highways and streams in the counties of Bartholomew, Putnam, Owen and Posey, and find the same correct with engrossed bills of the House, and have presented them to the Governor for his signature.

Mr. Brown of M., from a select committee, made the following report:

MR. SPEAKER:

The select committee, to which was referred bill of the Senate,

No. 155. Have had the same under consideration, and have directed me to report the same back, with one amendment, and recommend its passage.

Strike out the third section and insert the following as the second section:

SEC. 2. The courts in the fifth judicial circuit shall be holden as follows:

In the county of Shelby on the third Monday in February and September; in the county of Bartholomew on the first Monday in March and September; in the county of Johnson on the third Monday of March and September; in the county of Hancock on the fourth Monday of March and September; in the county of Hendricks on the second Monday in April and October; in the county of Boon on the fourth Monday in April and October; in the county of Hamilton on the Monday succeeding the courts in the county of Boon; in the county of Marion on the Monday succeeding the courts in the county of Hamilton. The courts in the county of Marion shall sit three weeks; in the counties of Bartholomew and Hendricks, two

weeks ; in the county of Shelby, nine days ; and in the counties of Johnson, Hancock, Boon and Hamilton, one week in each, if the business require it ;

Which amendment was concurred in by the House, the rules suspended, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Lingle, from a select committee, reported the following bill :

No. 390. A bill to locate a State road in Orange county ;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. O'Neal, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred a bill of the Senate,

No. 61. Entitled an act to amend an act for the relief of Huntington county, (approved January 25th, 1842,) have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

No. 61, (of the Senate,) An act to amend an act entitled, "an act for the relief of Huntington county," (approved January 25th, 1842,)

Reported back to the House, read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Carter, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to which was referred bill,

No. 137, (of the Senate,) have had the same under consideration, and made one amendment thereto, and recommend its passage.

Amend the third section as follows :

Strike out from the words "directed to" in the second line to the word "if" in fifth line and insert "credit said estate for interest due on any canal lands owned by said estate ;"

Which amendment was concurred in by the House, the bill read a second time and passed to a third reading on to-morrow.

Mr. Hodges, from the committee on canals and internal improvements, made the following report :

MR. SPEAKER:

The committee on canals and internal improvements, to whom was referred bill,

No. 314, have had the same under consideration, and directed me to report the same back to the House without amendment and recommend its passage.

No. 314. An act to incorporate the Perrysville canal lock company was reported back to the House and ordered to be engrossed for a third reading on to-morrow.

Mr. Carter, from the committee on canals and internal improvements, reported the following bill :

No. 391. A bill for the relief of Hyacinth Lasselle, jr. ;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Dunn, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred a petition of the citizens of Grant county, in relation to the surplus revenue belonging to that county, have had the same under consideration, and have directed me to report the following bill and recommend its passage:

No. 392. A bill to authorize the board of commissioners of Grant county to rescind an order made upon their record ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Jackson, from a select committee, reported the following bill :

No. 393. A bill to authorize the erection of a mill dam across Elkhart river, in Elkhart county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to which was referred a bill of the Senate, No. 119, entitled, a bill to incorporate the Cambridge City and Venice turnpike company, have had that subject under consideration, and made several amendments thereto, in which they ask the concurrence of the House.

No. 119, (of the Senate,) an act to incorporate the Cambridge City and Venice turnpike company ;

Reported back to the House with the following amendments :

Strike out the words "seek after," in the 32d line of the 10th section ; also,

Strike out all from the word "but," in the 39th line, to the word "done," in the 42d line, both inclusive, in the same section.

Also, add the following section :

Sec. — The stockholders in said corporation shall be personally liable for all debts incurred or created during their possession of said stock ; and in case of sale or transfer of said stock from the original subscription, it shall not release the original subscriber from any debt or debts incurred or created during his, her, or their possession of said stock : *Provided*, the effects of said corporation be first exhausted.

Also, strike out the two last lines of the 16th section.

Which amendments were concurred in by the House.

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations to which was referred a bill of the Senate, No. 146, entitled, a bill legalizing the ordinances of the borough and city council of the city of Richmond, and for other purposes, have had said bill under consideration, and directed me to report the same back to the House, without amendment, and recommend its passage.

No. 146, (of the Senate,) a bill legalizing the ordinances of the borough and city council of the city of Richmond, and for other purposes ;

In said report mentioned, was

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Norvell :

No. 394. A joint resolution to abolish the office of State Librarian, and for other purposes ;

Read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

By Mr. Whight :

No. 395. A bill for the relief of certain persons therein named ;

Read a first and second times, and ordered to be engrossed for a third reading on to-morrow.

By Mr. Osborn :

No. 396. A bill to regulate the jurisdiction of justices of the peace in the counties of Union, Johnson, and Martin ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 397. A bill to organize independent companies, battallions, regiments, brigades, and divisions, in this State, and to repeal so much of the militia law as relates to organizing and drilling the district militia ;

Read a first and second times, and referred to the committee on military affairs.

By Mr. Wheeler :

No. 398. A bill to repeal a certain act therein named ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Dufour :

No. 399. A bill defining the duties of boards doing county business in the several counties in this State ;

Read a first and second times and referred to the judiciary committee.

By Mr. Bradley :

No. 400. A bill in relation to the county seminary, and Laporte university building in Laporte county ; also,

No. 401. An act to locate a certain State road in Noble county ;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up the following message of the Senate, which was received by Mr. Maguire, their Principal Secretary :

Mr. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed engrossed bills of the House, entitled,

No. 110. An act relative to voting in Laporte county ;

No. 127. An act to facilitate the settlement of the accounts of Milton Stapp, as Fund Commissioner ;

No. 132. A bill to amend the act pointing out the mode of levying taxes, approved Feb. 12th, 1841 ;

No. 126. An act giving further time to the treasurer of Perry county ;

No. 151. An act for the relief of John Brookbank ;

No. 158. An act to amend the act relative to the mode of doing township business in Miami county, approved Jan. 29th, 1842 ;

No. 176. An act to change the name of Luther Thomas Griffing, to Luther Thomas Martin ;

No. 178. An act for the relief of the people of Vermillion county ;

No. 181. An act relative to the Perry county seminary ;

No. 183. An act for the regulation of the grave yard at Lafayette ;

No. 184. A joint resolution for the benefit of the Wabash manual labor college and teachers' seminary ;

No. 186. An act to locate a State road in Wayne county ;

No. 266. An act to authorize the school commissioner of the county of Boone to redeem certain certificates therein named ;

No. 281. An act in relation to granting licenses in the counties of Jennings, Bartholomew, and Scott ;

No. 328. An act to authorize the building of a bridge across Big Walnut river, in Putnam county ;

No. 352. An act supplemental to an act to provide for recording a State road in Sullivan and Vigo counties ;

All without amendment, except No. 184, to which the Senate has made one amendment, in which the concurrence of the House is requested.

The Senate has also passed engrossed bills thereof, entitled,

No. 35. An act to amend an act, entitled, "an act prescribing the mode of changing the venue," app. Jan. 24th, 1834 ;

No. 91. An act to amend an act, entitled, "an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein," approved Feb. 17th, 1838, approved Feb. 15th, 1841 ;

No. 96. An act for the relief of the executors of Joseph Ratcliff, deceased ;

No. 150. An act to amend an act incorporating the town of Terre Haute, app. Feb. 16th, 1839 ;

In which engrossed bills of the Senate, I am directed to ask the concurrence of the House of Representatives.

The amendment made by the Senate, to bill No. 184, in said message mentioned, was concurred in by the House.

Engrossed bills of the Senate, Nos. 35, 91, and 96, in said message mentioned,

Were severally read a first time, and passed to a second reading on to-morrow.

Engrossed bill of the Senate, No. 150, in said message mentioned, was read a first and second times, and

Referred to a select committee of Messrs. Strain, Hodges, and Patrick.

Mr. Bradley, chairman of the committee on education, made the following report :

MR. SPEAKER :

The committee on education, to whom was referred bill No. 381, have had the same under consideration, and report the same back to the House and recommend its passage :

No. 381. A bill relating to the seminary fund in Cass county ;

Reported back to the House,

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Thompson, on leave, introduced the following bill :

No. 402. A bill to change the name of Wm. Toadhunter ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Norvell, on leave, introduced the following bill :

No. 403. An act to assist and make common schools more efficient ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Leslie, on leave, introduced the following bill :

No. 404. A bill relative to interest on money ;

Read a first and second times, and referred to the committee on revision.

On motion of Mr. Hodges,

Bill No. 288. A bill relative to the jurisdiction of justices of the peace in Marion, Decatur, and Vigo counties ;

Was taken from the table,

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

ORDERS OF THE DAY.

No. 153. (Of the Senate) an act to amend act, "entitled an act, to change the town of Jeffersonville," approved Jan. 3d, 1817, and for other purposes ;

No. 154. (Of the Senate) an act to legalize the proceedings of the trustees of the Greensburgh Presbyterian Church ;

No. 166. (Of the House) a bill confirming the proceedings of certain township trustees therein named ;

Were severally read a second time and ordered to a third reading on to-morrow.

No. 374. A bill for the relief of Kinney, Wright & Gookins ;

Read a second time and referred to the committee on claims.

No. 156. A joint resolution to provide a market for water rotted hemp ;

Read a second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Leslie,

No. 140. A bill amendatory of the law regulating general elections ;

Was taken from the table ; when

Mr. Edwards moved to indefinitely postpone the same ;

And the ayes and noes having been demanded by Messrs. Tingley and Edwards :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of Vanderburgh, Chrisman, Claypool, Clements, Coffin, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Fuller, Goodenow,

Hargrove, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Lowe, Marvin, Matheny, Meeker, Mooney, Moore of Floyd, Nees, Norvell, O'Neal, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Sluss, Steele, Strain, Tingley and Wilson—53.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Brown of White, Campbell, Carter, Cooley, Edmonson, Francis, Lee, Major, Marsh, Mathers, McCormick, Millikin, Nelson, Osborn, Shelby, Shoup, Simonson, Snook, Stewart, Statton, Summers, Swihart, Tevis, Wheeler and Mr. Speaker—27.

So said bill was indefinitely postponed.

On motion of Mr. Tingley,

No. 350. A bill to provide for the payment of taxes of non-residents through the State Treasury;

Was taken from the table; and

Referred to a select committee of Messrs. Tingley, Shoup and Brown of R.

Mr. Tingley moved to instruct the committee to insert the following:

SEC. 6. All non-residents availing themselves of the benefits of this act, shall pay to the Treasurer of State ten per cent. on the amount of taxes so paid into the State Treasury, one half of which percentage shall be paid to the county auditor and treasurer for their trouble herein, and the other half to the State Auditor and Treasurer for their trouble herein, which shall be in place of any claim or percentage, which any of said officers would otherwise have or make upon the State or county, for any of the services aforesaid.

Mr. Brown of D. moved to amend the instructions as proposed by Mr. Tingley, by striking out the "penalty,"

Which was not adopted.

The question then recurring on the adoption of Mr. Tingley's instructions;

Which were adopted.

BILLS ON THEIR THIRD READING.

No. 50. (Of the Senate) a bill for the relief of the estate of Hugh O'Neal, deceased, late of Huntington county;

No. 69. A bill for the relief of certain persons therein named.

ALSO, BILLS OF THE HOUSE.

No. 383. A bill to repeal so much of the 52d section of an act entitled "an act prescribing the duties of county auditors, approved

Feb. 12th 1841, as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland, and for other purposes.

No. 370. A bill to authorize the Marion Guards to occupy a room in the house on the Governor's circle;

No. 373. A bill for the relief of James Smith of Gibson county;

No. 372. A bill for the relief of James Silvers of Rush county;

No. 358. A bill to organize the county of Tipton;

No. 348. An act concerning the eligibility and qualifications of Directors of the State Bank and Branches thereof;

No. 349. An act to repeal the 30th section of the 2d amendment of the Bank charter, and the act to create a 17th Bank district;

No. 313. An act for the relief of Henry Johns;

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Wilson, on leave, introduced the following bill:

No. 405. A bill to amend an act entitled an act to incorporate the Mount Carmel and New Albany railroad company, approved February 4th, 1837;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Wilson, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred a bill No. 267, entitled "an act to amend an act to provide for the keeper of the House and Library, approved Feb. 2d, 1841," have had the same under consideration, and a majority of said committee have directed me to report the same without amendment;

The same was read a second time; when

Mr. Wilson moved to amend the bill by striking out of the same, all except the sixth section;

And the ayes and noes having been demanded by Messrs. Dufour and Matheny:

Those who voted in the affirmative were,

Messrs. Bradley, Coffin, Edwards, Francis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Proctor, Shelby, Stratton, Summers, Tingley and Wilson.—14.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Cooley, Cuppy, Denny, Dufour, Dunn, Edmonson, English, Foulke, Gilbert, Hargrove, Hiatt, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Millikin, Mooney, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Peak, Real, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Steele, Stewart, Strain, Swihart, Wheeler and Mr. Speaker.—55.

So said bill was not so amended.

Mr. Tingley moved to refer the bill to the committee on the State Library;

Which was not agreed to.

Mr. Bradley moved to amend by striking out "\$150" for appropriation to State Library, and insert "\$400;"

Which did not prevail.

The bill then was ordered to be engrossed for a third reading on tomorrow.

Mr. Marsh, a member of the committee on corporations, on leave, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill No. 284, entitled "an act to incorporate the Wabash Bridge company," have had that subject under consideration, made one amendment thereto, and directed me to report it back to the House and recommend its passage:

Insert the following section after section 19:

Sec. 20. "The several corporations and their property shall be liable for the debts of the corporation in the same manner, and to the same extent as individual partners are liable for the debts of an individual corporated partnership:"

Which amendment was concurred in by the House.

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Simonson moved to commit bill,

No. 74. A bill regulating the fees and salaries of the several per-

sons therein named, to a committee of the whole House, and make it the special order of the day now;

And the ayes and noes having been demanded by Messrs. Dufour and Clements:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Carter, Claypool, Coffin, Davis of Madison, Edmonson, Edwards, Flannegan, English, Francis, Gilbert, Gorman, Hiatt, Hodges, Johnson, Jones, Leslie, Lewis, Lowe, Major, Marvin, Matheny, Meeker, Mooney, Nelson, Proctor, Simonson, Snook, Steele, Stewart, Strain, Tevis, Thompson, Tingley, Wheeler, Williams, Wilson and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Campbell, Chrisman, Clements, Cooley, Cuppy, Denny, Dufour, Dunn, Foulke, Goodenow, Hardin, Hargrove, Hillis, Huckaby, Jackson, Lee, Lingle, Logan, Marsh, Mathers, Millikin, Moore of Owen, Moore of Floyd, Nees, O'Neal, Norvell, Osborn, Patrick, Peak, Prilliman, Real, Rich, Roberts, Rose, Shelby, Shoup, Stratton, Summers and Swihart—44.

So said bill was so committed;

With Mr. Marvin in the chair,

And after having spent some time therein, the committee rose, and through its chairman, reported that the committee had made several amendments thereto, and asked the concurrence of the House to the same;

And the question being, will the House concur generally to said amendments as made by the committee;

And the ayes and noes having been demanded by Messrs. Dufour and Brown of M.:

Those who voted in the affirmative were,

Messrs. Carter, Coffin, Davis of Madison, Edmonson, Francis, Hawkins, Norvell, Prilliman, Simonson, Sluss and Williams—12.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edwards, English, Foulke, Fuller, Gilbert, Goodnow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Huckaby,

Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Mathers, Meeker, Millikin, Mooney, Moore of F., Moore of Owen, Nees, O'Neal, Osborn, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Snook, Steele, Strain, Stewart, Summers, Swihart, Tevis, Tingley and Wilson—64.

So the House refused to concur generally to said amendments.

The question then recurring upon the adoption of the first amendment, made by the the committee in relation to striking out all that part which relates to clerk's fees;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Brown of White, Cuppy, Davis of Madison, Edmonson, Francis, Hawkins, Huckaby, Lowe, Mooney, Moore of Floyd, Norvell, Patrick, Prilliman, Simonson, Sluss, Stewart, Strain, Stratton, Summers, Swihart, Williams and Mr. Speaker—22.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Denny, Dufour, Dunn, Edwards, English, Flannegan, Foulke, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Jones, Lewis, Lingle, Major, Mathers, Meeker, Moore of O., Nees, Nelson, O'Neal, Osborn, Peak, Proctor, Real, Rich, Robinson, Rose, Shelby, Shoup, Snook, Steele, Tevis and Tingley—54.

The House refused to concur in said amendment.

Mr. Robinson moved to refer the bill to a select committee;

Mr. Norvell moved to refer the bill to the judiciary committee;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Cooley, Cuppy, Davis of Sullivan, Denny, Dunn, Edmonson, Edwards, English, Flannegan, Francis, Fuller, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, McCormick, Mooney, Moore of Floyd, Nelson, Norvell, Patrick, Prilliman, Proctor, Real, Robinson, Shelby, Simonson, Sluss, Snook, Steele, Stewart, Strain, Thompson, Williams, Wilson and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Bowers, Brown of Marion, Chrisman, Clements, Coffin, Dufour, Foulke, Huckaby, Jones, Matheny, Mathers, Meeker, Millikin, Moore of Owen, Nees, O'Neal, Osborn, Roberts, Rich, Rose, Shoup, Summers, Swihart, Tevis and Tingley.—25.

So said bill was referred to the judiciary committee.

Mr. Lowe moved to instruct the committee "to so amend the bill as to reduce the salaries of the officers of State and of the judiciary, to correspond with the price of produce, or as near so as may be;

And the ayes and noes having been demanded by Messrs. Lowe and Osborn:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of V., Butterfield, Cooley, Cuppy, Davis of Sullivan, Edwards, Edmonson, English, Goodenow, Hardin, Hargrove, Hiatt, Hodges, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Meeker, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Roberts, Robinson, Rose, Simonson, Sluss, Steele, Stewart, Summers, Williams, Wilson and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Bales, Brown of Dearborn, Brown of W., Campbell, Carter, Claypool, Clements, Coffin, Davis of Madison, Denny, Dufour, Dunn, Flannegan, Francis, Fuller, Hawkins, Hillis, Huckaby, Jackson, Lee, Leslie, Lewis, Millikin, Mooney, Moore of Floyd, Nelson, Patrick, Prilliman, Real, Robinson, Shelly, Shoup, Snook, Strain, Stratton, Swihart, Tevis, Thompson and Tingley—38

So said instructions were adopted.

Mr. Millikin moved to instruct the committee to,

Strike out all that relates to the pay of members of the General Assembly, and insert the following:

"Each member of the General Assembly shall receive one hundred and fifty dollars per annum, and two dollars for every twenty-five miles they shall severally travel in going to and returning from the General Assembly;

Which instructions were not adopted.

On motion of Mr. Hillis,

Bill No. 201. An act concerning liens upon judgments, and other purposes;

Was taken from the table, and referred to a select committee of Messrs. Hillis, Simonson and Huckaby.

And, on motion,
The House adjourned till half past 8 o'clock to-morrow morning.

WEDNESDAY MORNING, FEB. 1, 1843.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED.

By Mr. Steele;

Of citizens of Parke county in relation to the school fund in a certain township in said county;

Which was referred to the same select committee to which that subject had been heretofore referred.

Also, of Allen E. Hall and others, citizens of Parke county, praying relief for Stephen Pruette, as therein named;

Which was referred to a select committee of Messrs. Steele, Coffin and Shelby.

The Speaker laid before the House the following communication, from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
February 1st, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR :—I herewith transmit sundry resolutions of the Legislature of Illinois on the subject of General Jackson's fine imposed upon him by Judge Hall, with a request that you lay the same before the House of Representatives.

I am, sir,

Yours most respectfully,

SAM. BIGGER.

Which communication and the subject matter therein referred to was read and referred to a select committee of Messrs. Logan, English and Lingle.

The Speaker also laid before the House the following communication from His Excellency, the Governor, in relation to the American bond holders :

EXECUTIVE DEPARTMENT, }
 February 1st, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

The accompanying communication has been received from American holders of our bonds, to be laid before the Legislature.

I am, sir,

Yours most respectfully,

SAM. BIGGER.

Which communication and the subject matter therein referred to were read and, on motion, were referred to the committee of ways and means.

Mr. Williams, on leave, presented the petition of Amasa Makepeace and others, praying the vacation of a certain road therein named ;

Which was referred to the committee on roads.

Mr. Cuppy, on leave, presented the petition of citizens of Noble and Whitley counties, asking the location of a certain State road therein named ;

Which was referred to the committee on roads.

REPORTS FROM STANDING COMMITTEES.

Mr. Peak, a member of the committee on roads, made the following report :

MR. SPEAKER:

The committee on roads, to which was referred the petition of sundry citizens of Martin and Lawrence counties, in relation to a State road, have had the same under consideration, and have directed me to report a bill as follows ;

No. 406. A bill appointing commissioners to locate a State road therein named :

Read a first and second times and referred to the committee on roads.

Mr. Moore of Owen, from the committee on public expenditures, made the following report :

MR. SPEAKER:

The committee on public expenditures, to whom was referred a resolution of this House, making it their duty to enquire of the Audit-

or, Secretary and Treasurer what each of them has received as salaries, and how much for clerk hire, and how much by the way of perquisites,—your committee directed a letter to each of the above-named gentleman, and in reply to our request, they informed us that they have received the following salaries, to wit :

The Auditor receives as a salary, one thousand dollars, and for clerk hire, four hundred dollars.

The Treasurer receives as a salary, one thousand dollars, and as clerk hire, four hundred dollars.

The Secretary received as a salary, eight hundred dollars ; for clerk hire, three hundred dollars.

Your committee after examining the whole subject in relation to these officers, have come to the conclusion that their salaries ought to be reduced in proportion to the alteration of prices in the country ; and that for the same reason, and because it is believed that the duties of them are not as laborious as formerly, that no allowance should be made for clerk hire in their respective offices. A majority of your committee have directed me to report a bill accordingly, entitled an act regulating, &c., and recommend its passage.

No. 407. A bill regulating the salaries of Auditor, Secretary, and Treasurer of State ;

Read a first time and passed to a second reading on to-morrow.

Mr. Carter, from the committee on canals and internal improvements, reported the following bill :

No. 408. Entitled a bill in relation to public nuisance caused by roads, canals, ceded by the State to associations ;

Read a first time and passed to a second reading on to-morrow.

Mr. Carter, from the same committee, reported the following bill :

No. 409. A bill to authorize the rebuilding a bridge across the canal at Logansport ;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to which was recommitted a bill of the House,

No. 229. Entitled a bill to incorporate the German Lutheran and Reformed Church of the city of New Albany, have had that subject under consideration, and directed me to report the same back to the House, with one amendment, and ask its concurrence therein.

Amend by striking out the third section and insert the following, to wit :

The Legislature reserves to itself the right to amend, alter or annul this act of incorporation at any time ;

Which amendment was concurred in by the House, the bill read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

REPORTS FROM SELECT COMMITTEES.

Mr. Peak, from a select committee, reported the following bill :

No. 411. An act appointing commissioners to locate a State road in Martin and Dubois counties ;

Read a first and second times and referred to the committee on roads.

Mr. Nees, from a select committee, reported the following bill :

No. 411. A bill for the relief of the board doing county business in the county of Clay ;

Read a first and second times and referred to the committee on the judiciary.

Mr. Edwards, from a select committee, reported the following bill :

No. 412. A bill supplemental to an act entitled, "an act providing for the relocation of the seat of justice of Crawford county, and for other purposes ;"

Read a first time and passed to a second reading on to-morrow.

Mr. Tingley, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill of the House,

No. 350. With instructions, have had the matters therein contained under consideration, made the amendment required by said instructions, and now report the same back to the House, and recommend its passage ;

Which amendment was concurred in by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

BILLS INTRODUCED.

By Mr. Butler of Vanderburgh :

No. 413. A bill to reduce the expenses of the several counties in this State ;

Read a first and second times ; when,

Mr. Norvell moved "to except from its provision the county of Lawrence ;"

Which prevailed.

The bill was further amended "by excepting from its provision the counties of Warren, Dubois, Monroe, Brown and Morgan."

The bill was then ordered to be engrossed for a third reading on morrow.

By Mr. Millikin :

No. 414. A bill concerning road taxes in the counties of Dearborn and Switzerland ;

Read a first, second and third times ; when,

Mr. Simonson moved to commit the bill to the committee on roads, with the following instructions :

To amend the same so that it shall be the duty of the several county auditors to make out separate duplicates of the road tax in each supervisor's district for the use of the proper supervisor who shall be authorized, (in case of failure to make out or pay the same,) to collect said tax by suit before a justice of the peace of his township ; *Provided*, that when said tax cannot be collected owing to the want of personal property, then and in that case the supervisor shall make return of all such delinquent lands to the county treasurer, who shall sell the same under the provisions of the laws regulating sales of delinquent lands for taxes ;

Which motion prevailed.

Mr. Rich, a member of the judiciary committee, on leave, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred the petition of Brannock Phillips and other citizens of Jennings county, in relation to a certain lot of land heretofore conveyed by Evan Thomas, sr., to trustees of the Methodist Episcopal Church, and their successors in office, praying that said conveyance might be legalized, have had that subject under consideration, and have directed me to report, that the Legislature has no power to legalize the acts of contracting parties where the same in their inception were illegal. Yet your committee after inspection of the deed, a copy of which together with a copy of a subsequent devise by the alienor accompanies the petition, would report that the title of the trustees is good in the premises, except as against subsequent *bona fide* purchasers without notice, and as against a claim of dower.

In view of this, your committee ask to be discharged from the further consideration of the subject ;

Which report was concurred in by the House.

By Mr. Sluss :

No. 415. A bill for the relief of purchasers of seminary lands in Monroe county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Dufour :

No. 416. A bill to repeal a certain act therein named, so far as the same relates to the county of Switzerland ;

Read three several times and passed.

Ordered, That Clerk inform the Senate thereof.

By Mr. Brown of Marion :

No. 417. A bill in relation to canal land patents ;

Read a first and second times and referred to the committee on canals and internal improvements.

By Mr. Mathers :

No. 418. A bill to repeal the 16th section of an act entitled, "an act prescribing the duties of county treasurers," (approved February 12th, 1841 ;)

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. English, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills reports that they have compared the enrolled with the engrossed bills of the House :

No. 50. An act to vacate a portion of a certain State road in Noble and Lagrange counties.

No. 55. An act to amend an act entitled, "an act to incorporate the Wayne, Union, and Randolph turnpike company," (approved January 24th, 1842.)

No. 242. An act to locate the seat of justice in Benton county.

No. 101. An act to authorize John Sour to build a mill dam across the Wabash river in Wells county.

No. 251. An act for the relief of John C. Reiley, of Perry county.

No. 230. An act to relocate a State road from Columbus in Bartholomew county to Nashville in Brown county ; also,

No. 79. A joint resolution in relation to the Grand Rapids of the Wabash river, and find the same truly enrolled.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 31st ult. he approved and signed the following acts :

No. 168. An act for the relief of Zera Sutherland.

No. 325. An act to establish an additional place of holding elections in Reserve township in the county of Parke.

No. 122. An act for the relief of Wm. McCulloch, deputy collector of the State and county revenue of Colton township, Switzerland county, State of Indiana, for the year 1841.

No. 311. An act supplemental to an act entitled, "an act to incorporate the town of Centreville, Wayne county, Indiana," (approved 31st January, 1834.)

No. 190. An act authorizing a subscription for the history of the State of Indiana.

No. 52. An act for the relief of the securities of Elisha Long, deceased, late treasurer of Franklin county, Indiana.

No. 291. An act for the relief of the people of Noble, Lagrange, Steuben and DeKalb counties.

No. 31. An act in relation to the town of Laporte.

No. 124. An act to provide for the collection of the tax on bank stock in the county of Dearborn.

No. 185. An act to amend an act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements and the offices of fund commissioner and chief engineer, (approved January 28th, 1842.)

No. 174. An act providing for the opening and repairing roads and highways and streams, in the counties of Bartholomew, Putnam, Owen, Henry and Perry.

No. 101. An act to authorize John Sour to build a mill dam across the Wabash river in Wells county.

No. 230. An act to relocate a State road from Columbus in Bartholomew county to Nashville in Brown county.

No. 242. An act to locate the seat of justice in Benton county.

No. 251. An act for the relief of John C. Reiley of Perry county.

No. 55. An act to amend an act entitled "an act to incorporate the Wayne, Union and Randolph turnpike company, and the Union and Wayne turnpike company," (approved January 24th, 1842.)

No. 50. An act to vacate a portion of a certain State road in Noble and Lagrange counties.

No. 163. An act to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Paoli to Mount Pleasant.

No. 175. An act for the relief of Hiram Prather, collector of Jennings county.

No. 290. An act to authorize the county board of the county of Daviess to appoint an agent to collect any funds due the late trustees of the town of Washington, and for other purposes.

No. 265. An act to amend an act entitled, "an act regulating the duties of clerks of the circuit courts and county auditors," (approved January 31st, 1842.)

Also the following joint resolution :

No. 79. A joint resolution in relation to the Grand Rapids of the Wabash river ;

All of which originated in the House of Representatives.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed, with one amendment, an engrossed bill of the House of Representatives, entitled,

No. 318. An act to provide for the reduction of State and individual stock in the State Bank, and for other purposes ;

Also, with sundry amendments, engrossed bill of the House of Representatives.

No. 143. An act to divide the State into Congressional districts ;

In which several amendments the concurrence of the House of Representatives is respectfully requested.

The amendment of the Senate to bill No. 318, in said message mentioned, was concurred in by the House.

The House took up bill of the House, No. 143, in said message mentioned,

When the Chair announced the question to be, upon the first amendment of the Senate, as made thereto,

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Coffin, Davis of Madison, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams, and Wilson—40.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Gorman, Harding, Hargrove, Jackson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Millikin, Moony, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, and Mr. Speaker—50.

So the House refused to concur in said amendment.

The question then recurring, upon the second amendment of the Senate, as made thereto,

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of V., Butterfield, Claypool, Clements, Coffin, Davis of M., Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee,

Leslie, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams, and Wilson—41.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown of W., Butler of Rush, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Gorman, Harding, Hargrove, Hodges Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, McCormick, Millikin, Moony, Moore of Owen, Moore of F., Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler, and Mr. Speaker—54.

So the House refused to concur in said amendment.

The question then recurring, upon the third amendment of the Senate, as made thereto,

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Coffin, Davis of Madison, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson and Tingley—33.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hodges, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler, Wilson and Mr. Speaker—60.

So the House refused to concur in said amendment.

The question then recurring upon the fourth amendment of the Senate as made thereto;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Clements, Davis of Madison, Denny, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Lee, Leslie, Logan, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson, Tingley and Wilson—39.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—53.

So the *House* refused to concur in said amendment.

Then the question recurring upon the fifth and last amendment of the Senate thereto;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Davis of Madison, Denny, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Tingley and Wilson—35.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Sullivan, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hodges, Jackson, Jones, Johnson, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—57.

So the House refused to concur in said amendment.

ORDERS OF THE DAY.

No. 35. (Of the Senate) an act to amend an act entitled "an act prescribing the mode of changing the venue," approved Jan. 24th, 1834;

Read a second time and referred to the judiciary committee.

No. 91. A bill to amend an act entitled "an act to revise and amend an act incorporating congressional townships, and providing for public schools therein," approved Feb. 17th, 1838, approved Feb. 15th, 1841; and,

No. 96. A bill for the relief of the executors of Joseph Ratliff, deceased; (of the Senate;)

Were severally read a first time and passed to a second reading on to-morrow.

No. 394. (Of the House) a joint resolution to abolish the office of State Librarian, and for other purposes;

Read a second time and lost on its engrossment.

BILLS ON THIRD READING.

No. 314. An act to incorporate the Perrysville canal lock company; Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 267. A bill to amend an act entitled "an act to provide for a keeper of the State House and Library," approved Feb. 2d, 1841;

Read a third time; when

Mr. Wilson moved to recommit the bill to a select committee with the following instructions:

"To strike out all of the bill except so much as provides for keeping the Secretary's office in the State House;"

And the ayes and noes having been demanded by Messrs. Wilson and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Edwards, Foulke, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Leslie, Marvin, Mathers, Mitchell, Proctor, Real, Shelby, Simonson, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler and Wilson.—32.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Madison, Davis of S., Denny, Dufour, Dunn, Edmonson, English, Flannegan, Francis, Fuller, Gor-

man, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Mooney, Moore of F., Moore of O., Nees, Nelson, Osborn, Peak, Rich, Roberts, Rose, Robinson, Shoup, Sluss, Snook, Steele, Stewart, Williams and Mr. Speaker.—53.

So said bill was not recommitted.

The question then recurring, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Wilson and Claypool:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Cooley, Cuppy, Davis of Madison, Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hillis, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Major, Marsh, Matheny, McCormick, Meeker, Millikin, Mooney, Moore of F., Myers, Nees, Nelson, Norvell, Osborn, Peak, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Stewart, Summers, Swihart, Wheeler and Mr. Speaker.—61.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butterfield, Claypool, Clements, Coffin, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hiatt, Hodges, Huckaby, Lee, Lowe, Marvin, Mathers, Montague, Stratton, Thompson, Tingley, Williams and Wilson—24.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 157. (Of the Senate) a bill to authorize the purchase of land for water power in the town of Logansport;

Was read a third time; and,

On motion of Mr. Edmonson,

Was referred to the committee on canals and internal improvements;

With the following instructions: to insert,

“That the land so purchased shall not exceed one acre.”

No. 391. An act for the relief of Hyacinth Lasselle;

Read a third time; when

Mr. Clements moved to commit the bill to a select committee with the following instructions to insert:

“That any damages found to be due, shall be paid by those counties through which the Wabash and Erie canal passes, east of the Tippecanoe river, together with costs of suit;”

And the ayes and noes having been demanded by Messrs. Clements and Carter:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Clements, Coffin, Cooley, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Foulke, Fuller, Gilbert, Hargrove, Hodges, Huckaby, Lee, Leslie, Lingle, Logan, Lowe, Marvin, Matheny, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Myers, Norvell, Osborn, Patrick, Peak, Proctor, Real, Roberts, Rose, Shoup, Simonson, Sluss, Steele, Stewart, Strain, Stratton, Tingley and Wilson—52.

Those who voted in the negative were,

Messrs. Bradley, Brown of Dearborn, Brown of Marion, Brown of White, Butterfield, Campbell, Carter, Chrisman, Claypool, Cuppy, Dunn, English, Flannegan, Francis, Goodenow, Hawkins, Hiatt, Hillis, Jackson, Johnson, Major, Marsh, Nelson, O'Neal, Prilliman, Rich, Robinson, Shelby, Summers, Swihart and Williams—30.

So said motion prevailed.

Whereupon, the chair announced the following, said committee:

Messrs. Carter and Moore of Owen.

No. 153. An act to amend an act entitled "an act to change the town of Jeffersonville," approved Jan. 3d, 1827, and for other purposes;

No. 154. An act to legalize the proceedings of the trustees of the Greensburgh Presbyterian Church;

No. 156. A joint resolution to provide a market for water rotted hemp;

No. 166. A bill confirming the proceedings of certain township trustees, therein named; (of the Senate)

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 395. (Of the House) an act for the relief of certain persons therein named;

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of *M.*, on leave, introduced the following resolution:

Resolved, That the Washingtonian Benevolent Temperance Society be permitted to use this Hall for a Grand Rally, on next Wednesday evening;

Which was adopted.

On motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. Stratton, on leave, introduced the following resolution :

Resolved, That the select committee, to which was referred bill of the Senate,

No. 137. Entitled a bill to authorize the purchase of land for water power in the town of Logansport, be, and they are hereby instructed to strike out the words "the State of Indiana" where it occurs in the bill, and insert "any private company or individual ;"

Which was not adopted.

Mr. Moore of Owen, on leave, introduced the following bill :

No. 419. A bill defining the duties of sheriffs in the county of Owen ;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Tevis,

Bill No. 162. A bill to provide for an additional stay of execution in certain cases therein named, was taken from the table ; when the question recurred,

"Shall the bill be engrossed for a third reading ?"

And the ayes and noes having been demanded by Messrs. Tevis and Brown of Marion :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of Rush, Butler of Randolph, Cooley, English, Fuller, Gorman, Hodges, Johnson, Jones, Major, McCormick, Moore of O., Myers, Nees, Nelson, Norvell, Peak, Prilliman, Proctor, Rich, Roberts, Rose, Sluss, Steele, Strain and Tevis.—29.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of White, Campbell, Chrisman, Claypool, Clements, Cuppy, Davis of M., Davis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Hardin, Hargrove, Hiatt, Huckaby, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Marsh, Matheny, Meeker, Millikin, Montague, Mooney, Moore of F., Osborn, Patrick, Robinson, Shelby, Shoup, Snook, Simonson, Stewart, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Williams and Mr. Speaker—52.

So said bill failed on its engrossment.

Mr. Tevis, on leave, introduced the following bill :

No. 420. A bill regulating elections in the county of Shelby ;
Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Bradley, on leave, introduced the following joint resolution :

No. 421. Entitled a joint resolution in relation to the claim of Alexander Beard ;

Read a first time ; when,

Mr. Norvell moved to reject the same ;

And the ayes and noes having been demanded by Messrs. Moore of Owen and Roberts :

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Rush, Butler of Randolph, Butterfield, Chrisman, Cooley, Davis of Sullivan, Denny, Dufour, Edmonson, Edwards, Fuller, Hardin, Hargrove, Huckaby, Jackson, Johnson, Leslie, Lewis, Lingle, Major, Meeker, Mitchell, Montague, Mooney, Moore of F., Moore of Owen, Norvell, O'Neal, Osborn, Patrick, Peak, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Steele, Stratton, Wheeler and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Bales, Brown of Marion, Brown of White, Butler of Vanderburgh, Campbell, Carter, Claypool. Clements, Cuppy, Davis of M., Dunn, English, Flannegan, Francis, Gilbert, Hiatt, Hillis, Hodges, Jones, Lee, Mathers, McCormick, Millikin, Myers, Nees, Prilliman, Rich, Shelby, Stewart, Strain, Summers, Swihart, Tevis, Thompson, Tingley and Williams —37.

So said joint resolution was rejected.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has insisted on its amendments to the bill of the House of Representatives,

No. 143. An act to divide the State into Congressional districts.

And Messrs. Parker and Defrees are appointed a committee of free conference on the part of the Senate to take into consideration the subject matter of disagreement between the two Houses in relation to said bill ; and the Senate requests that a similar committee may be appointed on the part of the House of Representatives.

Mr. Robinson moved that the House insist on its disagreement to the amendments of the Senate to bill No. 143 ;

And the ayes and noes having been demanded by Messrs. Huckaby and Rich :

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Butler of Randolph, Brown of Rush, Brown of White, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Davis of S., Dufour, Dunn, Edmonson, English, Fuller, Hardin, Hargrove, Jackson, Jones, Johnson, Lewis, Lingle, Logan, Marsh, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Swihart, Wheeler and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Bales, Bradley, Butler of Vanderburgh, Butterfield, Claypool, Davis of M., Denny, Edwards, Flannegan, Foulke, Gilbert, Hiatt, Hillis, Francis, Hodges, Huckaby, Lee, Leslie, Mathers, Meeker, Mitchell, Montague, Patrick, Rich, Shelby, Steele, Strain, Stratton, Summers, Tevis, Thompson, Tingley and Williams—33.

So said motion was decided in the affirmative.

And, on motion of Mr. Robinson,

A committee of free conference on the part of the House was appointed, consisting of Messrs. Robinson and Simonson.

Mr. Steele, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to which was referred two several petitions asking for the passage of a law authorizing the election of three commissioners in the townships of Jackson and Florida, in Parke county, to manage the school funds of their respective townships, report the following bill, and ask its passage :

No. 422. An act providing for the election of three school commissioners in the townships of Jackson and Florida, in Parke county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nees, a member of the committee on military affairs, reported the following bill :

No. 423. An act to amend an act entitled, "an act to organize the militia of the State of Indiana ;"

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Henley, (Mr. Bradley in the chair,)

Bill No. 280. An act for the encouragement of the growth and manufacture of silk, was taken from the table ; when,

Mr. Henley moved to strike out all except the first section of the bill.

Mr. Butterfield moved to amend the bill as follows :

That one-half the premium be paid by the State, and the other by the county ;

Which amendment was not adopted.

Mr. Gorman moved to amend by adding "a premium on flax ;"

Which was not agreed to.

The question then recurring on the adoption of Mr. Henley's amendment ;

Which was agreed to.

Mr. Roberts moved to except from its provision the county of Putnam ;

Which was not agreed to.

Mr. Simonson moved to amend the bill.

"If the board doing county business shall order the same ;"

Which was adopted.

The question then recurring on the engrossment of the bill ;

And the ayes having been demanded by Messrs. Robinson and Cooley :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Marion, Butterfield, Brown of White, Butler of Randolph, Butler of V., Campbell, Flannegan, Claypool, Clements, Coffin, Cuppy, Denny, Dufour, Dunn, Gilbert, Goodenow, Foulke, Francis, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lingle, Lowe, Marsh, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Mooney, Moore of Floyd, Moore of Owen, Patrick, Prilliman, Proctor, Rich, Shelby, Simonson, Snook, Strain, Stratton, Summers, Swihart, Tevis, Thompson, Wheeler and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Baker, Cooley, Davis of S., Edwards, Fuller, Gorman, Hardin, Lewis, Logan, Major, Millikin, Nelson, O'Neal, Osborn, Peak, Real, Robinson, Rose, Sluss and Steele—21.

So said bill was ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Henley,

The rule was suspended, the bill considered as engrossed, and read a third time.

The question then recurring, "shall the bill pass ;"
And the ayes and noes having been demanded by Messrs. Robinson and Roberts :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Biadley, Brown of Dearborn, Brown of M., Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Flannegan, Foulke, Francis, Gilbert, Goode-now, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lowe, Marsh, Marvin, Mathers, Mathe-ny, Meeker, Mitchell, Montague, Mooney, Moore of Floyd, Moore of O., Norvell, Patrick, Prilliman, Proctor, Rich, Shelby, Simonson, Steele, Stewart, Strain, Stratton, Summers, Swihart, Tevis, Thomp-son, Tingley, Wheeler and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Cooley, Davis of S., Edmonson, Edwards, Fuller, Gorman, Hardin, Lewis, Lingle, Logan, Major, McCormick, Millikin, Nees, Nelson, O'Neal, Osborn, Peak, Real, Rob-erts, Robinson, Rose, Sluss and Snook—26.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Robinson moved to amend the title of the bill as follows:

"A bill to tax one part of the people for the benefit of the other;
Which was not agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Thompson introduced the following bill:

No. 424. A bill supplemental to an act entitled an act for the re-lief of Reuben Main;

Read a first time and passed to a second reading on to-morrow.

On motion of Mr. Claypool,

Resolved, That the Auditor of State be requested to communicate to this House the annual cost of enrolling the acts of the General As-sembly, for the last four years.

Mr. Shoup introduced the following bill:

No. 425;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gorman, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred a bill fixing the time of hold-ing the courts in the 10th judicial circuit, have had that subject under

consideration, and have directed me to report a bill placing Morgan county where it has heretofore been attached;

No. 426. A bill to attach the county of *Morgan* to the fifth judicial circuit;

Read a first and second times; when,

The question recurred upon the engrossment of the bill;

The ayes and noes were demanded by Messrs. Norvell and Gorman:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butterfield, Carter, Campbell, Clements, Coffin, Davis of Madison, Davis of Sullivan, Dunn, Edwards, Flannegan, Foulke, Goodenow, Gorman, Hiatt, Hillis, Hodges, Lee, Lewis, Marsh, Marvin, Meeker, Mitchell, Montague, Nelson, Norvell, Peak, Proctor, Rich, Sluss, Steele, Strain, Swihart and Thompson.
—36.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Dearborn, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Chrisman, Cooley, Denny, Dufour, Edmonson, Fuller, Hardin, Johnson, Jones, Leslie, Lingle, Logan, Major, Matheny, Mathers, McCormick, Millikin, Mooney, Moore of F., Moore of Owen, Nees, O'Neal, Osborn, Prilliman, Real, Roberts, Robinson, Rose, Simonson, Snook, Summers, Tevis, Tingley and Wheeler—40.

So the bill was not ordered to be engrossed.

Mr. Simonson moved to reconsider the vote just taken on the engrossment of bill No. 426;

And the ayes and noes having been demanded by Messrs. Gorman and Marvin:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Campbell, Carter, Clements, Coffin, Cuppy, Dufour, Edwards, Foulke, Goodenow, Gorman, Hiatt, Hillis, Hodges, Lee, Leslie, Lingle, Marvin, Meeker, Montague, Moore of Floyd, Nelson, Norvell, Patrick, Peak, Shelby, Sluss, Steele, Strain and Thompson.—34.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Chrisman, Claypool, Cooley, Denny, Dunn, Edmonson, English, Fuller, Gilbert, Hardin, Hawkins,

Huckaby, Jackson, Johnson, Jones, Logan, Lowe, Major, Marsh, Matheny, Mathers, Millikin, Mooney, Moore of Owen, Nees, O'Neal, Osborn, Prilliman, Proctor, Real, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Swihart, Tevis, Tingley, Williams and Mr. Speaker—46.

So the House refused to reconsider said vote.

The House took up the following message of the Senate, which was received by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed, with one amendment, an engrossed joint resolution of the House of Representatives entitled,

No. 375. A joint resolution authorizing the agent of State to settle with J. J. Cohen, jr., & Brothers;

In which amendment I am directed to ask the concurrence of the House.

The amendment mentioned in said message was concurred in by the House.

And on motion,

The House adjourned till to-morrow morning half past 8 o'clock.

THURSDAY MORNING, FEB. 2, 1843.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed without amendment, an engrossed bill of the House, entitled:

No. 403. An act to assist and make common schools more effective.

The Speaker laid before the House the annual report of the State Librarian;

Which was referred to the committee on the State Library.

Mr. Foulke presented the petition of Eli Davidson, praying a divorce from his wife;

Also, on leave, introduced the following bill:

No. 427. An act to divorce Eli Davidson from his wife Margaret Davidson;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

REPORTS FROM STANDING COMMITTEES.

Mr. Lowe, chairman of the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred a bill of the Senate No. 164, for the relief of Phillip Sweetser, have had that subject under consideration, and have directed me to report the same back and recommend its passage;

No. 164. (Of the Senate) a bill for the relief of Phillip Sweetser, mentioned in said report; was

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of W., from the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the petition of Henry Rider, have had that subject under consideration, and deem legislation on that subject inexpedient, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Leslie, chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to which was referred petitions and remonstrance of citizens of the counties of Wells, Huntington and Blackford, concerning the location of a State road therein named;

Also, the petition of the citizens of the county of Wells, praying an additional road tax on land;

Also, a petition and remonstrance of citizens of the counties of Franklin, Fayette and Rush, concerning a State road therein named;

Also, a petition of sundry citizens of the county of Franklin, praying a change in a certain State road;

Also, a petition and remonstrance of citizens of Miami county, relating to the vacation of a State road;

Have had the same under consideration, and have directed me to report, that in the opinion of the committee, it is inexpedient to legislate on the said subjects at this time, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Moore of Floyd, on leave introduced the following resolution:

Resolved, That the committee on county boundaries be directed to report back to this House bill No. 95, to define the boundary line between Clark and Floyd counties, or give their reasons why they do not so report;

Which was adopted.

Mr. Brown of M., chairman of the committee on county boundaries, thereupon reported the bill back to the House without having acted upon the same;

Which was, on motion of Mr. Moore of F.,

Referred to a select committee of Messrs. Moore of F., Hillis, English, Logan and Wilson.

Mr. Hillis, from a select committee to which was referred bill No. 201, reported the same back to the House with the following amendments:

Strike out of the third section, fourth line, the word "six" and insert "12;"

Also, add at the end of the same section:

"Provided, That nothing in this act shall be so construed as to interfere with judgments or decrees that now or may hereafter be rendered on any mortgage;"

And, also, add to the end of the 4th section "and publication in the Indiana Journal and State Sentinel," and recommend its passage;

Which were concurred in by the House.

Mr. Edmonson moved to lay the bill and amendments on the table;

Which was not agreed to.

Mr. Stratton moved to amend the bill as follows:

"Provided, That nothing in this act shall in any way affect or alter the lien of judgments, entered for the purchase money for any such premises;"

Which was adopted.

Mr. Moore of O., moved to amend the bill as follows:

"That where there are two judgments or more, that the property shall not be bound in that case more than one year.

Mr. Gorman moved to lay the bill and pending amendments on the table;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Vanderburgh, Campbell, Chrisman, Clements, Cooley, Cuppy, Davis of Madison, Da-

vis of Sullivan, Denny, Dufour, Dunn, Edmonson, Edwards, Flanagan, Foulk, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marsh, Marvin, Matheny, Mooney, Moore of Owen, Myers, Nees, O'Neal, Osborn, Peak, Prilliman, Proctor, Rich, Roberts, Robinson, Shelby, Shoup, Sluss, Snook, Steele, Strain, Sumner, Tingley, Wheeler and Wilson—60.

Those who voted in the negative were,

Messrs. Bowers, Butler of Randolph, Butterfield, Carter, Claypool, English, Francis, Gilbert, Goodenow, Hillis, Leslie, Logan, Meeker, Millikin, Montague, Moore of Floyd, Norvell, Patrick, Real, Rose, Simonson, Stewart, Stratton, Summers, Swihart, Tevis, Thompson and Mr. Speaker—28.

So said bill and pending amendments were laid on the table.

Mr. Shelby, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Samuel Hoover and other citizens of the county of Tippecanoe, on the subject of building a bridge across the Wabash and Erie canal, west of the Tippecanoe river, have had that subject under consideration, and instructed me to report the following bill and recommend its passage, and ask to be discharged from the further consideration thereof:

No. 428. A bill to provide for the building of a bridge across the Wabash and Erie canal, west of the Tippecanoe river;

Read a first and second times and referred to the committee on canals and internal improvements.

Mr. Proctor, from the committee on enrolled bills, reports:

MR. SPEAKER :

The committee on enrolled bills reports, that they have compared the enrolled with the engrossed bills, as follows, to-wit :

No. 58. An act to incorporate the Lafayette band ;

No. 126. An act giving further time to the treasurer of Perry county ;

No. 263. An act for the relief of the trustees of the Methodist Episcopal Church, of the town of Centreville, in Wayne county ;

No. 227. An act to incorporate the Delancy academy, in the town of Newburgh, Warrick county, Indiana ;

No. 181. An act to amend an act entitled, "an act to incorporate the Perry county seminary," app. Jan. 30th, 1834 ;

No. 145. An act providing for numbering, signing, and registering Wabash and Erie canal scrip, east and west of Tippecanoe river, and for other purposes ;

No. 32. An act in relation to the Jeffersonville and Crawfordsville turnpike road ;

No. 110. An act relative to voting in Laporte county ;

No. 123. An act to provide for paying claims and purchasing land at sites for water-power, on the Wabash and Erie canal ;

No. 37. An act appointing commissioners, to locate certain State roads therein named ;

No. 281. An act in relation to granting licenses in the counties of Jennings, Bartholomew, and Scott ;

No. 158. An act to amend an act, approved January 29th, 1842, "entitled, an act to provide for the mode of doing township business in Miami county," app. Dec. 24th, 1840 ;

No. 176. An act to change the name of Luther Thomas Griffing, to Luther Thomas Martin ;

No. 328. An act to authorize certain individuals therein named, to build a bridge across Big Walnut creek, in Putnam county, where the Spencer and Rockville State road crosses the said stream ;

No. 266. An act to authorize the school commissioner of the county of Boone to redeem certain certificates therein named ;

No. 352. An act supplemental to an act entitled, "an act to provide for recording a State road in Sullivan and Vigo counties ;"

Passed at the present session.

No. 218. An act for the relief of the securities of John Plaster, school commissioner of Miami county ;

No. 277. An act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Delaware, Union, Dubois, Floyd, Switzerland, Marshall, and Cass ;

No. 178. An act for the relief of the people of Vermillion county ;

And find the same correctly enroled.

Whereupon, the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Gorman, chairman of the committee on the revision, made the following report :

MR. SPEAKER:

The committee on revision, report back to the House, bill No. 270, of that part of the revision which relates to enclosures, trespassing animals, and partition fences,

Amended according to the instructions of the House ;

Which amendment was concurred in by the House,

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gorman, chairman of the committee on the revision, made the following report :

Mr. SPEAKER :

The committee on the revision of the laws, make the following report, of an additional part of said revision :

No. 429, entitled an act on the subject of high-ways, bridges, and ferries ;

And recommend its passage.

Which bill was read a first and second times, and referred to a committee of the whole House,

And made the order of the day, for 2 o'clock, P. M. this day.

Mr. Gorman, chairman of the committee on the revision, made the following report :

Mr. SPEAKER :

The committee on revision, to which was referred bill No. 195, in relation to public instruction, have amended said bill, in accordance with the instructions of the House, and now recommend its passage.

No. 195, in said report mentioned, reported back to the House, and, on motion, referred to a committee of the whole House,

And made the order of the day for 2 o'clock, P. M. this day.

Mr. Shoup introduced the following bill :

No. 430. A bill for the payment of claims due on account of the White Water canal ;

Read a first and second times, and referred to the committee on canals and internal improvements.

Mr. Prilliman, from a select committee, made the following report :

Mr. SPEAKER :

The select committee, to whom was referred a petition of citizens of Huntington county, for a more uniform mode of doing township business, have had the same under consideration, and directed me to report the following bill and recommend its passage :

No. 431. A bill to extend the provisions of an act therein named to the counties of Huntington and Wells ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Peak, from a select committee, reported the following bill :

No. 432, entitled, a bill to amend the act in relation to decents, distribution, and dower ;

Read a first and second times and referred to the committee on the revision.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to which was referred the petition and remonstrance of sundry citizens of Daviess county upon the subject of incorporating the town of Washington in said county, have had the same under consideration, and directed me to report, that a bill has passed the present legislature authorizing the board of commissioners of Daviess county to appoint an agent to collect all moneys or effects due the late trustees of the town of Washington, with power to apply the same to the uses of said town. It is, therefore, deemed inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Davis of M., a member of the judiciary committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill,

No. 41, (of the Senate,) have had the same under their consideration, and have instructed me to strike out said bill from the enacting clause, and substitute the accompanying amendment, and recommend its passage :

SEC. 1. No execution shall be issued upon any judgment, order, or decree of any circuit or probate court of this State to any sheriff or other officer, except to the county wherein the defendant or defendants, or either of them actually reside ; unless the judgment plaintiff, his agent or attorney, shall make and file with the clerk issuing said execution that the defendant or defendants have not sufficient property in the county where they or either of them reside (after deducting incumbrances) to satisfy said judgment, interest and costs ; then and in that case the proper officer may issue an execution to any other county in this State where the judgment defendant or defendants, or either of them may have property subject to execution.

SEC. 2. It shall be the duty of the clerk issuing an execution to the sheriff of any other county than where the said defendant or defendants, or either of them reside to endorse on the execution the affidavit aforesaid, otherwise said execution shall be held as null and void.

SEC. 3. All laws and parts of laws contravening the provisions of this act made at this or any previous session of the legislature to the contrary notwithstanding be, and the same are hereby, repealed.

SEC. 4. This act to be in force from and after its passage;

Which amendment was concurred in by the House, the bill read a third time and passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Swihart, from a select committee, reported the following bill :

No. 433. An act to legalize the mill dam now erected across the Salamonie river, owned by Robert and Michael English ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Clements, on leave, introduced the following bill :

No. 434. A bill amendatory of an act entitled, "an act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties," (approved February 17th, 1838, approved January 31st, 1842 ;)

Read a first and second times and referred to the committee on the judiciary.

Mr. Marsh, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred a petition from certain citizens of DeKalb and Noble counties, asking for the location of a State road in said counties, have had that subject under consideration and directed me to report the following bill :

No. 435. A bill to locate a State road therein named, in DeKalb and Noble counties ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Henley, (Mr. Logan in the chair,) offered for adoption the following resolution :

Resolved, That the committee on education be instructed to report a bill appropriating the proceeds of the remainder of the Wabash and Erie canal lands east of the Tippecanoe river, after providing for the redemption of the scrip issued on account of the construction of said canal to the purposes of common school education throughout the State ; and for the appropriation of \$10,000 of said fund for the erection of an asylum for the insane ; and \$10,000 for the erection of an asylum for deaf and dumb persons.

Mr. Hillis moved to amend by adding the following :

After the fund pays its present indebtedness to the State ;

Which was not adopted.

Mr. Thompson moved to amend by adding the following :

After the bonds have been taken up which said lands now stand pledged to redeem :

And the ayes and noes having been demanded by Messrs. Thompson and Henley :

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Carter, Chrisman, Claypool, Clements, Cuppy, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Gilbert, Goodenow, Hargrove, Hillis, Huckaby, Jackson, Leslie, Marsh, Marvin, Mathers, McCormick, Millikin, Montague, Nelson, Patrick, Prilliman, Real, Roberts, Robinson, Shelby, Simonson, Snook, Stewart, Stratton, Sumner, Swihart, Thompson, Williams and Wilson—44.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Butler of Randolph, Butler of Vanderburgh, Campbell, Coffin, Cooley, Dufour, Edmonson, English, Francis, Fuller, Gorman, Hardin, Hawkins, Hodges, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Meeker, Mooney, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Rose, Shoup, Sluss, Steele, Strain, Summers, Tevis, Tingley and Mr. Speaker—44

So said amendment was not adopted.

Mr. Bowers moved to amend the resolution so as to "require the committee to enquire into the expediency ;"

But before any action was had thereon,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Edmonson,

Bill No. 429, of the revision, which relates to highways, bridges and ferries, was committed to a committee of the whole House; (with Mr. Edmonson in the chair,) and after having spent some time therein, the committee rose, and through its chairman, reported that they had made several amendments thereto, and asked the concurrence of the House in the same.

The question being, "will the House concur generally or severally in the amendments made by the committee of the whole."

The House determined to concur severally.

The question then recurring on the first amendment of the committee of the whole, as follows :

Provided, That the person so required does possess such team or tools ;

Which was concurred in by the House.

The question then recurring upon the second amendment as made by the committee of the whole, which is as follows :

That in those counties where the law compels speculators to pay a road tax equal to that paid by actual settlers is in force, the revision shall not apply ;

Which was not agreed to.

Mr. Rich moved to strike out so much of the bill that fixes "a penalty of three dollars for each day any person who is the owner of a wagon, team and driver, having been notified to work on the roads with said team, shall neglect or refuse so to do," together with that por-

tion of the preceding clause which reads "man or other implements" and three or four clauses following ;

And, on that question, the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Butler of Vanderburgh, Clements, Coffin, Dufour, Hardin, Hargrove, Hiatt, Hillis, Hodges, Johnson, Major, Marsh, Montague, Osborn, Peak, Prilliman, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Steele, Wheeler and Wilson.—29.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of White, Butterfield, Campbell, Cooley, Davis of M., Denny, Dunn, Edmonson, Edwards, Flannegan, Fuller, Gilbert, Goodenow, Gorman, Huckaby, Jackson, Lee, Lewis, Leslie, Lingle, Logan, Lowe, Marvin, Mathers, Meeker, Millikin, Mooney, O'Neal, Proctor, Simonson, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Whight and Mr. Speaker.—53.

So said amendment was not adopted.

Mr. Summers moved to amend the bill by striking out that portion which relates to the "presentment or indictment in the circuit court of road supervisors ;"

Which was not adopted.

Mr. Brown of M. moved to reconsider the vote just taken on the motion of Mr. Rich ;

And the ayes and noes having been demanded by Messrs. Brown of Marion and Sluss :

Those who voted in the affirmative were,

Messrs. Brown of Marion, Butler of V., Clements, Coffin, Dufour, Edwards, English, Gilbert, Hargrove, Hodges, Johnson, Leslie, Major, Marvin, Moore of F., Moore of O., Myers, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Rose, Shelby, Steele, Stewart, Strain, Stratton, Sumner, Tevis, Wheeler, Wilson and Mr. Speaker.—34.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Carter, Cooley, Davis of M., Denny, Dunn, Flannegan, Francis, Goodenow, Gorman, Hawkins, Hiatt, Hillis, Huckaby, Jones, Lee,

Lewis, Lingle, Logan, Lowe, Mathers, Meeker, Millikin, Montague, Mooney, Norvell, O'Neal, Proctor, Real, Shoup, Simonson, Summers, Swihart, Thompson, Tingley, and Whight.—46.

So the House refused to reconsider said vote.

Mr. Carter moved to reconsider the vote taken on the adoption of Mr. Summers' amendment ;

And the ayes and noes having been demanded by Messrs. Gorman and Tevis :

Those who voted in the affirmative were,

Messrs. Brown of Rush, Butler of V., Butterfield, Carter, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Dufour, Edwards, English, Francis, Gilbert, Gorman, Goodenow, Hillis, Hodges, Jackson, Johnson, Leslie, Marsh, Mathers, Meeker, Moore of Floyd, Moore of Owen, Nelson, Norvell, Osborn, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tingley, Wheeler, Williams and Mr. Speaker.—54.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Marion, Denny, Dunn, Flanagan, Foulke, Hardin, Hargrove, Hawkins, Hiatt, Huckaby, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, Millikin, Montague, Mooney, Myers, O'Neal, Prilliman, Simonson, Tevis, Thompson and Whight.—29.

So the House reconsidered said vote.

The question then recurring on the adoption of the amendment as offered by Mr. Summers ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were.

Messrs. Brown of Rush, Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of M., Dufour, Dunn, Edmonson, Edwards, English, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hillis, Hodges, Jackson, Johnson, Leslie, Lingle, Major, Marvin, Mathers, Millikin, Moore of Floyd, Moore of Owen, Nees, Nelson, Osborn, Norvell, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Swihart, Thompson, Tingley, Wheeler, Williams and Mr. Speaker—64

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Butler of Vanderburgh, Denny, Flannegan, Foulke, Hawkins, Hiatt, Huckaby, Lee, Lewis, Logan, Lowe, Millikin, Montague, O'Neal, Simonson, Tevis and Whight.—21.

So said amendment was adopted.

Mr. Jackson moved to amend the bill as follows:

Provided this act shall not affect any counties that have a special law for road purposes therein.

Mr. Clements moved to amend the amendment of Mr. Jackson by "excepting the county of Daviess ;"

Which was accepted by the mover, and the amendment as amended was adopted.

Mr. Millikin moved to strike out "ten cents road tax," and insert "fifteen ;"

Which motion failed.

Mr. Millikin moved to amend as follows :

Provided that nothing in this act shall be so construed as to prevent the board doing county business in Dearborn county from levying fifteen cents road tax on the one hundred dollars.

Which was adopted.

Mr. Whight moved the previous question :

Which was seconded by the House.

The question then being, "shall the main question be now put ;"

Which was decided in the affirmative.

The question then recurring on the engrossment of the bill ;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Claypool, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, English, Flannegan, Foulke, Francis, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Mathers, Meeker, Millikin, Montague, Mooney, Moore of F., Nees, Nelson, Norvell, O'Neal, Patrick, Proctor, Real, Roberts, Rose, Snook, Steele, Stewart, Strain, Summers, Sumner, Swihart and Whight—56.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler of Vanderburgh, Carter, Chrisman, Clements, Cuppy, Edwards, Hargrove, Hillis, Hodges, Lowe, Major, Marsh, Marvin, Osborn, Peak, Rich, Robinson, Shelby, Shoup, Simonson, Sluss, Tevis, Thompson, Wheeler and Mr. Speaker.—25.

So said bill was ordered to be engrossed.

On motion,

The rules were suspended;

The bill considered as engrossed; and

Read a third time.

And the question being, shall the bill pass?

The ayes and noes were demanded by Messrs. Gorman and Butler of V.:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butterfield, Campbell, Claypool, Coffin, Cooley, Denny, Dufour, Dunn, Edmonson, English, Flannegan, Foulk, Francis, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hiatt, Huckaby, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Mathers, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Nees, Nelson, Norvell, O'Neal, Patrick, Proctor, Real, Rose, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tingley and Whight—58.

Those who voted in the negative were,

Messrs. Brown of Marion, Butler of Vanderburgh, Carter, Chrisman, Clements, Cuppy, Davis of Madison, Edwards, Hargrove, Hillis, Hodges, Jones, Lowe, Major, Marsh, Marvin, Osborn, Peak, Rich, Roberts, Robinson, Shelby, Shoup, Simonson, Sluss, Tevis, Thompson, Wheeler and Mr. Speaker—30.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Bill No. 195. Of the revision, in relation to public instruction;

Was, on motion of Mr. Gorman,

Taken up.

The chair announced the question to be on the amendment as made by the committee, to section 65, thereof; when

Mr. English moved to amend the amendment by inserting the words "the Surplus Revenue agent;"

And the ayes and noes having been demanded by Messrs. English and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Butler of Randolph, Coffin, Denny, Dufour, English, Fuller, Hardin, Hillis, Johnson, Jones, Lingle, Logan, Major, Marsh, Marvin, Matheny, Montague, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Shoup, Simonson, Sluss, Stewart, Summers, Tingley and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Clements, Cooley, Davis of Madison, Dunn, Edwards, Flannegan, Foulk, Gilbert, Goodenow, Gorman, Hawkins, Hodges, Huckaby, Jackson, Lee, Leslie, Lewis, Lowe, Mathers, Meeker, Millikin, Mooney, Nelson, Patrick, Real, Roberts, Robinson, Rose, Shelly, Snook, Steele, Strain, Stratton, Sumner, Swihart and Thompson—48.

So said amendment was not adopted.

The question then recurring on the amendment as made by the committee of the whole;

Which was agreed to.

Mr. Henley moved to except the county of Clark;

Which was agreed to.

And on motion of Mr. Edwards,

The bill was considered as engrossed, and read a third time;

When the question recurred, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Edwards and Gorman:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of M., Brown of Rush, Brown of White, Campbell, Carter, Claypool, Coffin, Cuppy, Denny, Dunn, Edmonson, Edwards, Flannegan, Foulke, Gilbert, Goodenow, Gorman, Hardin, Hawkins, Hodges, Jackson, Johnson, Lee, Lewis, Lowe, Major, Mathers, Meeker, Montague, Mooney, Nelson, Patrick, Real, Roberts, Robinson, Shelby, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart and Tingley—47.

Those who voted in the negative were,

Messrs. Baker, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Clements, Cooley, Davis of Madison, Dufour, English, Hargrove, Hillis, Huckaby, Jones, Leslie, Lingle, Logan, Marsh, Marvin, Matheny, Millikin, Moore of Floyd, Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Rose, Shoup, Simonson, Sluss, Stewart, Thompson and Mr. Speaker—34.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. English, from the committee on enrolled bills, reports:

MR. SPEAKER:

The committee on enrolled bills reports, that they have compared the enrolled with the engrossed bills of the House as follows, to wit:

No. 318. An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes;

No. 403. An act to assist and make common schools more effective;

No. 269. An act to locate a State road from the town of Evansville, in Vanderburgh county, to the town of Petersburg, in Pike county;

No. 292. An act for the relief of J. J. Burton, and Joseph Luther;

No. 151. An act for the relief of John Brookbank;

No. 183. An act for the regulation of the grave yard at Lafayette; Also, the following joint resolution of the House, viz:

No. 375. A joint resolution authorizing the agent of State to settle with J. J. Cohen, jr., and Brothers;

All of which they have found correctly enrolled;

And presented the same to the Governor for his approval and signature;

Whereupon, the Speaker signed the same.

Ordered, That the clerk carry them to the Senate for the signature of the President.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined the following bills and joint resolutions, to-wit:

No. 180. An act to locate a State road in the county of Wayne;

No. 127. An act to facilitate a final settlement of the accounts of Milton Stapp as fund commissioner;

No. 132. An act further to amend an act entitled "an act pointing out the mode of levying taxes," approved Feb. 12th, 1841;

No. 184. A joint resolution for the benefit of the Wabash Manual Labor College and Teachers Seminary;

And find the same correctly enrolled, and have presented them to the Governor for his signature;

Whereupon, the Speaker signed said bills.

Ordered, That the clerk carry them to the Senate for the signature of the President.

And, on motion,

The House adjourned till half past 8 o'clock to-morrow morning.

FRIDAY MORNING, FEB. 3, 1843.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following joint resolution:

No. 75. A joint resolution on the subject of a Lunatic Asylum, in which the concurrence of the House is respectfully requested;

No. 75. A joint resolution mentioned in said message, was taken up;

Read a first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House that they have passed an engrossed bill of the House of Representatives, No. 171, entitled "an act to amend an act subjecting real and personal property to execution," with several amendments, and respectfully ask the concurrence of the House therein;

The first and second amendments of the Senate to bill No. 171, mentioned in said message, were concurred in by the House;

The question then recurring on the adoption of the amendment of the Senate to said bill;

The ayes and noes were demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Chrisman, Claypool, Cooley, Dunn, Edwards, English, Fuller, Goodenow, Hargrove, Jackson, Lingle, Logan, Meeker, Mooney, Nelson, Norvell, O'Neal, Patrick, Proctor, Real, Rose, Shelby, Simonson, Snook, Steele, Strain, Stratton, Summers and Whight—34.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Carter, Cle-

ments, Cuppy, Davis of Madison, Davis of Sullivan, Dufour, Edmonson, Flannegan, Francis, Gilbert, Gorman, Hardin, Hawkins, Hiatt, Hodges, Huckaby, Johnson, Jones, Lee, Lewis, Lowe, Major, Marsh, Marvin, Matheny, Mathers, McCormick, Millikin, Moore of Floyd, Moore of Owen, Myers, Nees, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Shoup, Stewart, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Wilson and Mr. Speaker.--55.

So the House refused to concur in the third amendment of the Senate;

The question being on the concurrence of the fourth amendment of the Senate, to said bill;

Which was not concurred in.

The fifth and sixth amendments of the Senate to said bill, mentioned in the message, were concurred in by the House.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that the Senate insists on its amendments to bill of the House of Representatives,

No. 59. An act to repeal an act therein named.

On motion of Mr. Cooley,

The House receded from its disagreement to the amendments of the Senate to bill No. 59, mentioned in said message.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am instructed to inform the House that the Senate has passed engrossed bill of the Senate,

No. 172. Entitled a bill fixing a certain annual compensation to the auditor of Hancock county;

And also, engrossed bill of the Senate,

No. 173. Entitled a bill respecting the Seminary of Martin county, to which the concurrence of the House of Representatives is respectfully requested.

No. 172. Mentioned in said message, was taken up;

Read a first and second times; when

The bill was amended, on motion of Mr. Chrisman, by adding the county of Boone;

And ordered to a third reading on to-morrow.

No. 173. Mentioned in said message, was taken up;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed, without amendment, engrossed bills of the House of Representatives, entitled,

No. 373. An act for the relief of James Smith, of Gibson county;

No. 378. An act relative to school taxes in Noble and Lagrange counties ;

No. 390. An act to locate a State road in Orange county ;

No. 398. An act to repeal a certain act therein named ;

No. 401. An act to locate a certain State road in Noble county ;

No. 402. An act to change the name of Wm. Toadhunter ;

No. 405. An act to amend an act, entitled, "an act to incorporate the Mount Carmel and New Albany rail-road company," approved Feb. 4th, 1837 ;

Also, engrossed bills of the House of Representatives, with amendments, entitled,

No. 365. An act to improve the Fort Wayne and South Bend State road, in Elkhart county ;

No. 380. A joint resolution on the subject of counting and cancelling State bonds, that have been redeemed ;

No. 383. An act to repeal so much of the 52d section of an act, entitled, "an act prescribing the duties of county auditors," approved Feb. 12, 1841, as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland, and for other purposes ;

No. 385. An act to authorize the board doing county business, in the county of Clay, to transcribe a certain record therein named ;

No. 396. An act to regulate the jurisdiction of justices of the peace in Union, Johnson, and Martin counties ;

No. 309, An act to encourage agricultural improvements in certain counties therein named ;

No. 379. An act to extend the provisions of certain acts therein named, to the county of Kosciusko ;

In which several amendments of the Senate, the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed engrossed bills thereof, entitled,

No. 108. An act for the relief of William T. Scott, collector of Delaware county ;

No. 114. An act to repeal an act, extending the provisions of a certain act to Grant county ;

In which the concurrence of the House of Representatives is respectfully requested.

I am directed to inform the House of Representatives that the Senate has concurred in the resolution of the House of Representa-

tives, providing that no new business shall be received or entertained after Thursday, the 9th of Feb. inst.

The amendments of the Senate to engrossed bills of the House, Nos. 365, 380, 383, 385, and 379,

Were concurred in by the House.

The amendment of the Senate to engrossed bill of the House, No. 396, in said message mentioned,

Was not concurred in.

Engrossed bills of the Senate, in said message mentioned, Nos. 108 and 114, were severally

Read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up the following message, which was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER :

I am directed to inform the House of Representatives, that the Senate has passed an engrossed joint resolution thereof, to-wit :

No. 171. A joint resolution, urging Congress to sanction the issuing of stock, founded upon the proceeds of the public lands, to relieve State indebtedness ;

In which the concurrence of the House of Representatives is requested.

Joint resolution, No. 171, in said message mentioned,

Was read a first time,

When, Mr. Brown of D. moved to reject it.

But, before any action was had thereon,

The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of the motion, made by Mr. Brown of D. to reject the joint resolution of the Senate, No. 171, as reported this morning ;

When Mr. Brown of D. withdrew his motion to reject the same.

The joint resolution was,

On motion of Mr. Gorman,

Read a second time,

When Mr. Gorman moved that the joint resolution be indefinitely postponed.

Mr. Shoup thereupon, moved a call of the House ;

Whereupon the Clerk proceeded to call the roll.

The absentees were Messrs. Bradley, Carter, and Mitchell.

Ordered, That the doors be closed, and that the absentees be sent for.

The absentees having appeared in their seats, with the exception of Messrs. Bradley and Carter ;

When Mr. Norvell moved that the further call of the House be suspended,

Which was agreed to.

Mr. Hillis moved to lay the joint resolution on the table,

And the ayes and noes having been demanded by Messrs. Hillis and Meeker,

Those who voted in the affirmative were,

Messrs. Bales, Butler of V., Butterfield, Coffin, Denny, Flannegan, Foulke, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Montague, Patrick, Proctor, Real, Shelby, Simonson, Sluss, Steele, Stratton, Summers, Sumner, Tevis, and Tingley—31.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of R., Brown of M., Butler of Rush, Campbell, Claypool, Clements, Cooley, Cuppy, Davis of M., Davis of S., Dufour, Dunn, Edmonson, Edwards, English, Francis, Fuller, Gorman, Harding, Hargrove, Hodges, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, McCormick, Moony, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Rich, Roberts, Robinson, Rose, Shoup, Snook, Stewart, Strain, Swihart, Wheeler, Whight, Wilson, and Mr. Speaker—57.

So the joint resolution was not laid on the table.

Mr. Gorman here withdrew his motion to indefinitely postpone.

Mr. Gorman moved the previous question,

Which was seconded by the House.

The question then recurring, "shall the main question be now put?"

Which was decided in the affirmative.

The question then recurring, "shall the joint resolution be engrossed?"

And the ayes and noes having been demanded by Messrs. Gorman and Foulke,

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Butterfield, Claypool, Clements, Coffin, Davis of Madison, Denny, Flannegan, Francis, Gilbert, Hawkins, Huckaby, Lee, Leslie, Marvin, Meeker, Patrick, Real, Rich, Shelby, Steele, Strain, Stratton, Sumner, Tevis, Thompson, Tingley, and Wilson—28.

Those who voted in the negative were,

Messrs. Baker, Brown of D., Brown of M., Brown of R., Brown

of White, Butler of Randolph, Butler of V., Campbell, Chrisman, Carter, Cooley, Davis of S., Dufour, Dunn, Edmonson, Edwards, Foulke, Fuller, Goodenow, Gorman, Harding, Hargrove, Hillis, Hodges, Jackson, Johnson Jones, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Mathers, McCormick, Millikin, Montague, Moony, Moore of F., Moore of O., Nees, Nelson, Norvell, O'Neill, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Summers, Swihart, Wheeler, Whight, and Mr. Speaker—62.

So said joint resolution was lost on its engrossment.

The following message was received from His Excellency the Governor, by I. H. Kiersted, his Private Secretary :

MR. SPEAKER :

I am directed by His Excellency the Governor, to inform the House of Representatives, that on the 2d inst, he approved and signed the following acts and joint resolutions :

No. 403. An act to assist and make common schools more effective ;

No. 277. An act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Delaware, Union, Dubois, Floyd, Switzerland, Marshall, Cass and Gibson ;

No. 58. An act to incorporate the Lafayette band ;

No. 37. An act appointing commissioners, to locate certain State roads therein named ;

No. 32. An act in relation to the Jeffersonville and Crawfordsville turnpike road ;

No. 178. An act for the relief of the people of Vermillion county ;

No. 352. An act supplemental to an act entitled, "an act to provide for recording a State road in Sullivan and Vigo counties ;"

Passed at the present session.

No. 328. An act to authorize certain individuals therein named, to build a bridge across Big Walnut creek, in Putnam county, where the Spencer and Rockville State road crosses the said stream ;

No. 263. An act for the relief of the trustees of the Methodist Episcopal Church, of the town of Centreville, in Wayne county ;

No. 227. An act to incorporate the Delany Academy, in the town of Newburgh, Warrick county, Indiana ;

No. 218. An act for the relief of the securities of John Plasters, school commissioner of Miami county ;

No. 181. An act to amend an act entitled, "an act to incorporate the Perry county seminary," app. Jan. 30th, 1834 ;

No. 176. An act to change the name of Luther Thomas Griffing, to Luther Thomas Martin ;

No. 158. An act to amend an act, approved January 29th, 1842, entitled, "an act to provide for the mode of doing township business in Miami county," app. Dec. 24th, 1840 ;

No. 145. An act providing for numbering, signing, and registering Wabash and Erie canal scrip, east and west of Tippecanoe river, and for other purposes;

No. 126. An act giving further time to the treasurer of Perry county;

No. 123. An act to provide for paying claims and purchasing land and sites for water-power, on the Wabash and Erie canal;

No. 110. An act relative to voting in Laporte county;

No. 266. An act to authorize the school commissioner of the county of Boone to redeem certain certificates therein named;

No. 183. An act for the regulation of the grave-yard at Lafayette;

No. 186. An act to locate a State road in the county of Wayne;

No. 127. An act to facilitate a final settlement of the accounts of Milton Stapp, as fund commissioner;

No. 132. An act further to amend an act, entitled, "an act pointing out the mode of levying taxes," app. Feb. 12th, 1841;

No. 318. An act to provide for the reduction of the State and individual stock in the State Bank, and for other purposes;

No. 269. An act to locate a State road from the town of Evansville, in Vanderburgh county, to the town of Petersburg, in Pike county;

No. 151. An act for the relief of John Brookbank;

No. 292. An act for the relief of J. J. Burton and Joseph Luther;

No. 281. An act in relation to granting licenses in the counties of Jennings, Bartholomew, and Scott;

No. 375. A joint resolution authorizing the Agent of State to settle with J. J. Cohens, jr. and Brothers:

No. 184. A joint resolution for the benefit of the Wabash manual labor college and teachers' seminary;

All of which originated in the House of Representatives.

Mr. Brown of *M.*, chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill No. 35, to amend an act entitled "an act prescribing the mode of changing the venue," approved Jan. 24th, 1834, have had the same under consideration, and have directed me to report the same back to the House and recommend its indefinite postponement;

Which report was concurred in by the House.

Mr. Rich, a member of the judiciary committee made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a bill to repeal the third and fourth sections of an act to provide for the better

regulation of the Indiana University, have had the same under consideration, and have directed me to report that the privileges conferred on the students of said University by the aforesaid sections of said act, not being extended to the students of other institutions in the State, are not proper to be exclusively enjoyed, neither would your committee ask their general extension, but report the bill back and recommend its passage;

Bill No. 382. An act to repeal certain sections of an act therein named;

Was reported back to the House;

The question recurring on the engrossment of the bill;

And the ayes and noes having been demanded by Messrs. Gorman and Hodges:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Butterfield, Campbell, Claypool, Cooley, Davis of Madison, Dufour, Dunn, Flannegan, Francis, Goodenow, Hargrove, Hodges, Jackson, Leslie, Lingle, Logan, Lowe, Mecker, Montague, Mooney, Nees, Nelson, O'Neal, Osborn, Real, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Snook, Stewart, Stratton, Thompson, Tingley, Whight and Wilson—42.

Those who voted in the negative were,

Messrs. Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Carter, Chrisman, Clements, Edwards, Gilbert, Gorman, Huckaby, Lee, Major, Moore of Owen, Patrick and Swihart—16.

So said bill was ordered to be engrossed for a third reading on to-morrow.

Also, the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a bill defining the duties of boards doing county business, in the several counties in this State, have had the same under consideration, and now report it back and recommend its passage;

No. 399. Mentioned in said report, was taken up;

And ordered to be engrossed for a third reading on to-morrow.

Mr. Tingley, a member of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the Senate No. 87, have had the same under advisement, and are of opinion the present law on that subject, is sufficient, and that further legislation on that subject is uncalled for; they therefore report said bill back, and recommend that it be laid on the table, and ask to be discharged from further considering the same;

No. 87. (Of the Senate) mentioned in said report, was taken up;

And, on motion,

Laid on the table.

Mr. Brown of M., chairman of the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred bill of the Senate No. 77, a bill to amend an act entitled "an act regulating the fees and salaries of several officers and persons therein named," have had the same under consideration, and have directed me to report that in their opinion the fees of justices of the peace, are now sufficiently high, and as the bill proposes an increase, they have directed me to report the same back, and recommend that it be indefinitely postponed;

Which report was concurred in by the House, and the bill indefinitely postponed.

Mr. Simonson, chairman of the committee on the State Prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to whom was referred that part of the Governor's message which relates to the State Prison, a communication from His Excellency, on the subject of the purchase of a site for the new prison, a copy of the contract entered into for its erection, and the reports of the superintendents, visiter and clerk of the prison, have considered the same, and directed me to

REPORT,

That they are satisfied that His Excellency has faithfully and judiciously acquitted himself of the trust confided to him by the act of the 31st January, 1842, entitled "an act to amend the several acts for the regulation of the State Prison."

The committee consider the site of the new prison an eligible one, and the sum at which it was purchased a reasonable price, and that

the plan of the prison is from the very best model.

The report of the visiter reflects great credit on the superintendents, the physician, and on all concerned in the administration of the present prison. It appears that the health and comfort of the convicts have received all that humane consideration and attention that the ill-devised circumstances of the prison, so imperiously demand, and would allow; and that while they are furnished with substantial and sufficient food and clothing, they are not overtasked in regard to labor. These things should, however, only be viewed as a slight mitigation of the enormous evils which must be borne by the inmates of such a *calcutta hole*, and should not, in the opinion of the committee, induce the relaxation of a single effort on the part of the State to push forward the completion of the new prison as speedily as can be done.

J. S. SIMONSON, Chairman.

Which report was concurred in by the House, and the committee discharged.

Mr. Davis of M., a member of the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred bill No. 411, of this House, have had the same under their consideration, and have directed me to report it back to the House without amendment and recommend the passage thereof, and respectfully ask to be discharged from any further consideration of the subject;

No. 411. A bill for the relief of the board doing county business in the county of Clay;

Reported back to the House,

And the rule suspended, the bill considered as engrossed; and

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Davis of M., from the same committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill No. 54, of the Senate, have had the same under consideration, and have directed me to report the same back to the House without amendment, and recommend its passage, and respectfully ask to be discharged from the further consideration of the subject;

No. 54. (Of the Senate) mentioned in said report, was reported back to the House;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clements, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred bill No. 417, entitled "a bill in relation to canal land patents," have had the same before them, and directed me to report it back to the House, and recommend its passage;

The rules were suspended;

The bill considered as engrossed;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Clements, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to which was referred bill of the Senate No. 137, entitled "a bill to authorize the purchase of land for water power in the town of Logansport," have had the same under consideration, made one amendment embracing the instructions of the House, and recommend its passage;

The amendment as made by the committee, mentioned in said report;

Was concurred in by the House;

And the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Leslie, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to which was referred sundry bills and petitions, praying the establishment of State roads, together with sundry petitions praying the vacation and relocation of certain State roads, have had the same under consideration, and have directed me to report a general bill embracing the objects prayed for, and the bills so referred;

No. 436. A bill concerning State roads;

Read a first and second times; and

On motion of Mr. Leslie,

Laid on the table.

On motion of Mr. Brown of M.,

The vote taken on the indefinite postponement of bill No. 77, of the Senate was reconsidered;

When the question recurred upon its indefinite postponement;

Which was not agreed to.

And the same was amended, on motion of Mr. Bowers, by confining the provisions of said bill to the county of Ripley;

The rules were suspended,

The bill considered as engrossed,

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Matheny, from a select committee, made the following report:

MR. SPEAKER:

The select committee to which was referred a petition of the citizens of Morgan, Owen and Monroe counties, on the subject of a mill dam across White river, in Morgan county, have had that subject under consideration, and have directed me to report the following bill:

No. 437. An act to authorize Levi M. R. Pumphery to build a mill dam across White river;

Read a first time and passed to a second reading on to-morrow.

Mr. Moore of F., from a select committee, made the following report :

MR. SPEAKER:

The select committee, to which was referred bill of the House, No. 95. To determine the boundaries between the counties of Floyd and Clark, have had that matter under consideration and directed me to report it back to the House with the following amendment and recommend its passage :

Strike out the first and second sections and insert the two following in lieu thereof:

SEC. 1. That Elisha G. English of Scott county, Ezekiel D. Logan of Washington county, and Henry Kinzer of Harrison county, be, and they are hereby, appointed commissioners to settle and determine that portion of the boundary line between the counties of Clark and Floyd which lies between the points following, to wit :

Commencing at a point on the south line of Washington county, at the corners of sections thirteen, fourteen, twenty-three and twenty-four, in town one south, range four east; thence east with the Washington county line until it strikes the summit of the Silver creek knobs; thence southwardly with the extreme height of said knobs to a point where the extended sectional line dividing sections twenty-four and twenty-five, in township one south, in range four east, strikes the summit of said knobs.

SEC. 2. Said commissioners, after having been notified of the passage of this act, and after having taken an oath faithfully and impartially to perform the duties required of them by this act shall, on the first Monday of April next, or as soon thereafter as may be practicable, proceed to the point of commencement as set forth in the first section of this act ; and if upon examination, they can locate and de-

termine said boundary by sectional lines so that no less of territory or citizens shall happen to either county, they shall determine it. If upon examination said commissioners shall find that by the adoption of sectional lines will reduce the territory of either county from what would be its contents by running a line with the summit of the knobs, they shall then survey and mark said boundary by a line on said summit between the points aforesaid.

Mr. Simonson moved to concur in the amendment, with the following amendment:

That the boundary line dividing the counties of Clark and Floyd, shall commence at the extreme line of the county of Washington, corner of sections Nos. 17, 19, and 20; thence on the line dividing sections 19 and 20, one mile to the corner of sections 19, 20, 29 and 30; thence east on the sectional line dividing sections 20 and 29 to the Illinois Grant line; thence south forty degrees east, to Silver creek in said Grant, on the south side of lot No. 66; thence down said creek with the meanders thereof, on the west side of the same to the mouth thereof.

And the ayes and noes having been demanded by Messrs. Simonson and Moore of F :

Those who voted in the affirmative were,

Messrs. Clements, Dunn, Edwards, Francis, Hodges, Huckaby, Lee, Leslie, Major, McCormick, Meeker, Montague, Mooney, Nees, Norvell, Shelby, Simonson, Strain, Summers, Tingley, Wilson and Mr. Speaker.—22.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Denny, Dufour, Edmonson, English, Gilbert, Goodenow, Gorman, Hargrove, Jackson, Lewis, Logan, Lowe, Marsh, Millikin, Moore of F., Moore of Owen, Nelson, O'Neal, Osborn, Peak, Real, Roberts, Robinson, Rose, Stewart Sumner and William—38.

So the House refused to adopt said amendment.

Mr. Denny moved to reconsider the vote just taken on the adoption of Mr. Simonson's amendment ;

But before any definite action was had thereon,

The House adjourned till to-morrow morning half past 8 o'clock.

SATURDAY MORNING, FEB. 4, 1843.

The House met pursuant to adjournment.

PETITIONS, &c., WERE PRESENTED :

By Mr. Edmonson ;

Of Benjamin Corle and others, praying the location of a certain State road therein named ;

Which was referred to a select committee of Messrs. Edmonson, Edwards and Lingle.

By Mr. Edwards ;

The remonstrance of William Tucker and others, against the location of a certain State road therein named ;

Which was referred to the same select committee.

By Mr. Nees ;

The remonstrance of citizens of Clay county against the change of the county seat of said county ;

Which was referred to the same select committee to which that subject had been heretofore referred.

The following message was received from the Senate by Mr. Farquhar, their Assistant Secretary :

MR. SPEAKER:

The Senate has passed engrossed bills thereof entitled,

No. 109. An act to amend an act for the establishment of a State road in Fayette county, (approved December 24th, 1841 ;)

No. 110. An act to amend an act entitled. "an act to provide for the inspection of salt, beef, flour, pork, and tobacco," (approved February 17th, 1838 ;)

No. 112. An act to incorporate the Tippecanoe Academy ;

No. 123. A joint resolution in relation to the free navigation of the Mississippi river ;

No. 106. An act to locate a State road in Fulton county ;

No. 151. An act legalizing the recording of the addition to the town of Fayetteville ;

No. 92. An act prescribing certain duties to the commissioners and agents on the public works ;

No. 169. An act to change the names of Jay Thompson and Mary Elizabeth Lee ;

No. 174. A joint resolution authorizing the publication of the law relating to the summoning grand and petit jurors ;

No. 124. An act to amend an act entitled, "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties,

and for other purposes," (approved December 29th, 1841,) and continuing the laws in reference to the manner of selecting jurors in Bartholomew, Jackson and Hancock counties ;

No. 159. An act amending an act to compel speculators to pay a road tax equal to that paid by actual settlers, (approved January 31st, 1842 ;)

No. 168. An act consolidating certain school districts in Hancock county ;

No. 176. An act providing against a repeal of certain laws.

No. 177. An act fixing the times of holding courts in the first judicial circuit ;

In which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed, without amendment, engrossed bills of the House of Representatives entitled,

No. 136. An act reducing the expenses of the county of Porter, and for selecting petit jurors therein,

No. 159. An act to change the name of Henry Harrison Collins of Greene county ;

No. 237. An act to locate a State road in the county of Greene ;

No. 245. An act amendatory to an act entitled, "an act to incorporate the town of Cambridge city ;"

No. 257. An act to amend an act in relation to the relocation of the Rome and Paoli State road ;

No. 189. An act to incorporate the Columbus band of musicians ;

No. 216. An act to incorporate the Spring Creek Academy ;

No. 224. An act to incorporate the Marion band in Grant county ;

No. 226. An act to vacate the town of New Lexington in Grant county ;

Also, with amendments, an engrossed bill and a joint resolution entitled,

No. 208. A joint resolution relating to delinquent lands in the counties of Kosciusko and Whitley ;

No. 209. An act to vacate the town of Marion in Lagrange county ;

In which amendments the concurrence of the House is respectfully requested.

Engrossed bills of the Senate Nos. 109, 106, and 92, mentioned in said message were read a first time and passed to a second reading on to-morrow.

No. 110, (of the Senate,) mentioned in said message was read a first and second times and referred to the committee on agriculture.

No. 112 and 169, mentioned in said message were read a first and second times, and ordered to a third reading on to-morrow.

Joint resolution No. 123, mentioned in said message was read a first and second times and laid on the table.

Engrossed bills No. 151 and 124, and joint resolution No. 174, mentioned in said message were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

No. 159, mentioned in said message was read a first and second times ; when,

Mr. Wheeler moved to amend by striking out all that part which imposes a "road tax in Marshall county ;"

Which was agreed to.

The rules were suspended, and the bill read a time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 168, mentioned in said message was read a first time and passed to a second reading on to-morrow.

No. 176, mentioned in said message was read a first and second times ; when,

On motion of Mr. Marsh,

The county of Steuben was excepted from its provision.

Mr. Moore of Owen moved to except the county of Owen, so far as the working of roads are concerned.

The bill was further amended by excepting the counties of Daviess, Perry and Lawrence.

Then, on motion,

The bill was referred to the committee on roads.

No. 177, mentioned in said message was read a first time and passed to a second reading on to-morrow.

The amendments of the Senate to joint resolution No. 208 and bill No. 209, mentioned in said message was concurred in by the House.

Mr. Robinson, from the committee of free conference, made the following report :

MR. SPEAKER :

The committee of free conference, appointed by this House, to act with a similar committee on the part of the Senate, to take into consideration and settle certain differences between the two Houses, concerning "an act to divide the State into Congressional districts," of the House, "No. 143," report that they have had the same under consideration, and have agreed to make the following amendments to said bill of the House, to-wit: transfer Madison county from the 4th district to the 5th district, and also transfer the county of Morgan from the 5th to the 6th district ; and with those amendments, the said committee have unanimously directed me to report the same back to the House and recommend its concurrence therein.

Which report was unanimously concurred in by the House.

Mr. Goodenow, (on leave,) introduced the following joint resolution :

No. 438. A joint resolution, supplemental to a joint resolution, providing for ascertaining the amount due contractors on the Madison and Indianapolis rail-road, app. Jan. 28th, 1843 ;

Read a first and second times,

When Mr. Moore of O., moved to amend as follows :

"Which warrant shall be paid out of the suspended debt,"

Which was adopted by the House ; and
On motion, the rule was suspended, the joint resolution
Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hardin, (on leave,) presented the remonstrance of James M. Cole and others, in relation to a certain school district therein named,

Which was referred to the same select committee to which that subject had been heretofore referred.

Mr. Gorman introduced the following bill :

No. 439. A bill to amend an act entitled, "an act to revise and amend an act incorporating Congressional townships, and providing for public schools therein," approved Feb. 17th, 1838—approved Feb. 18th, 1841;

Read a first and second times, and referred to the committee on education.

Mr. Bradley moved for leave to record his vote upon the journals of the House, upon the engrossment of the joint resolution, in relation to the appropriation of the public land fund, for the payment of the debts due by the several States, and the assumption thereof by the United States ;

Which leave was granted, and his vote recorded in the affirmative, on the engrossment of the joint resolution.

Mr. Gorman, chairman of the committee on canals and internal improvements, reported back to the House, bill

No. 428. A bill to provide for the building of a bridge across the Wabash and Erie canal, west of Tippecanoe river ;

And, on motion, laid on the table.

Mr. English, from the committee on enrolled bills, reports.

MR. SPEAKER:

The committee on enrolled bills reports that they have compared a joint resolution in relation to the effect of a joint resolution therein named,

No. 441, and find the same truly enrolled,

And presented the same to the Governor, for his approval and signature.

Mr. Gorman, from the committee on canals and internal improvements, reported back to the House, bill No. 430 ;

When Mr. Brown of D. moved to strike out so much as relates to "the suspended debt,"

Which was agreed to.

Mr. Moore of O., moved to amend, by striking out so much as relates to "internal improvements ;"

Which was not agreed to.

Then the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Tingley, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred the communication of James McLean, a deaf and dumb school teacher of this State, have had the same under consideration, and find that said McLean has been for the last fifteen months, laudably engaged in teaching a number of deaf and dumb, indigent and orphan children of our State, without receiving any fair recompense for his disinterested efforts to remove, as far as possible, calamities visited by an all-wise Providence on a portion of our people. Your committee are aware that a large portion of the time of this House has been sedulously consumed to relieve the pecuniary embarrassments of the citizens of this State, a matter admitted to be laudable, and believing that relief, as prayed for in this case, would be an act of justice to the petitioners, and promote the cause of humanity, we herewith report a joint resolution, and unanimously recommend its passage :

No. 440. A joint resolution for the benefit of James McLean, of Parke county, Indiana, a deaf and dumb person ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Carter, from a select committee, made the following report :

MR. SPEAKER :

The select committee to whom was referred a bill for the relief of Hyacynth Lasselle, have had the same under consideration, and are of the opinion that the amendment proposed and referred to the committee, would, if adopted, be an unconstitutional provision. The committee, therefore, report the bill to the House and recommend its passage, without the amendment.

No. 391. A bill for the relief of Hyacynth Lasselle ;

In said report mentioned,

Was reported back to the House, and,

On motion of Mr. Moore of O.,

Laid on the table.

Mr. Harding, from a select committee, made the following report :

MR. SPEAKER :

The committee to which was referred the petition of James Hughes and others, praying that the proceedings of the trustees of district number 3, in town 11 north, range 4 east, in the county of Johnson, might be legalized ; and likewise the remonstrance of James M. Cole and others, on the same subject, have had the same under consideration, and directed me to report, that in consequence of the

imperfect history of the facts furnished the committee, any legislative action on that subject, at this time, might result in injustice to the petitioners, or remonstrants. They, therefore, ask to be discharged from the further consideration thereof.

Which report was concurred in by the House.

Mr. English, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills as follows, to wit :

No. 373. An act for the relief of James Smith of Gibson county.

No. 402. An act to change the name of William Todhunter.

No. 398. An act to repeal certain acts therein named.

No. 405. An act to amend an act entitled, "an act to incorporate the Mount Carmel and New Albany railroad company, (approved February 4th, 1837,) and find the same truly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

The Senate has passed an engrossed preamble and joint resolution of the House of Representatives entitled,

No. 306. A preamble and joint resolution in relation to the Mississippi trade.

The Senate insists on its third amendment and recedes from its fourth amendment to bill of the House of Representatives,

No. 171. An act to amend an act subjecting real and personal property to execution.

Mr. Hargrove moved that the House recede from its disagreement to the third amendment of the Senate to bill No. 171 mentioned in said message;

And the ayes and noes having been demanded by Messrs. Hargrove and Carter :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Dearborn, Chrisman, Coffin, Cooley, Denny, Dunn, English, Francis, Gilbert, Hargrove, Hardin, Jackson, Leslie, Lingle, Lowe, Meeker, Mitchell, Mooney, Nees, Nelson,

O'Neal, Proctor, Shelby, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner and Whight—33

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Marion, Brown of W., Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Clements, Cuppy, Davis of M., Dufour, Edmonson, Edwards, Flannegan, Foulk, Gorman, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Johnson, Jones, Lee, Lewis, Logan, Major, Marsh, Marvin, Matheny, Mathers, Millikin, Montague, Moore of F., Moore of O., Myers, Norvell, Osborn, Patrick, Peak, Prilliman, Real, Rich, Roberts, Robinson, Rose, Snook, Stewart, Swihart, Tevis, Tingley, Wheeler, Wilson and Mr. Speaker.—60.

So the House refused to recede from its disagreement.

Mr. Edwards moved to reconsider the vote just taken on the motion to recede ;

Which was not agreed to.

The question recurring, " will the House insist on its disagreement?"

Which was decided in the affirmative.

Whereupon the chair appointed Messrs. Brown of M. and Carter, a committee of free conference on the part of the House.

Mr. Simonson moved to reconsider the vote heretofore taken on the engrossment of bill,

No. 162. A bill in relation to an additional stay of execution ;

And the ayes having been demanded by Messrs. Tevis and Simonson :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Brown of Rush, Butler of Randolph, Chrisman, Claypool, Cooley, Gilbert, Gorman, Hiatt, Hillis, Hodges, Johnson, Jones, Mathers, McCormick, Moore of Owen, Nees, Nelson, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Simonson, Sluss, Steele, Stewart, Strain, Tevis, Thompson and Tingley.—34.

Those who voted in the negative were,

Messrs. Baker, Bales, Brown of Dearborn, Bradley, Butler of Vanderburgh, Butterfield, Campbell, Carter, Cuppy, Davis of M., Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Foulke, Francis, Goodenow, Hardin, Hawkins, Huckaby, Jackson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marsh, Matheny, Meeker, Millikin, Montague, Mooney, Myers, Norvell, O'Neal, Patrick, Prilliman, Shelby, Shoup, Snook, Summers, Sumner, Swihart, Wheeler, Whight and Mr. Speaker—52.

So said vote was not reconsidered.

Mr. Brown of Marion, chairman of the committee on the judiciary, made the following report :

MR. SPEAKER:

The committee on the judiciary, to which was referred bill of the House,

No. 74. Fixing the fees and salaries of certain officers and persons therein named, respectfully report that they have carefully examined the subject, and upon one branch of the inquiry a majority agree that the salaries of public officers cannot constitutionally be reduced during their continuance in office, so that this feature of the bill, proposing the reduction of salaries, must be made to operate perspectively and not upon those now in office. The bill is one of much importance, and one which in the opinion of your committee requires some legislative action: but your committee observe that the bill is made out in detail and with much care, including the fees and salaries of all officers; they therefore deem it entirely unnecessary to write out a new bill or amend this according to their notions of what would be an adequate compensation to such officers, when probably no two of them could agree in the details; and were they so to agree, they doubt very much whether the bill would then be any nearer suiting the diversified views of this House than the one now before them—it would then have to undergo the whole process of an amendment, the same as the present bill. Having expressed their views upon a constitutional question, and being fully of opinion that some reduction of fees and salaries is required by the people of this State, they report the bill back to the House, without amendment, for their action and determination, and ask to be discharged from the further consideration of the subject.

Mr. Rich, from the minority of said committee, made the following report:

(Mr. Gorman announcing that he was not present at the meeting of said committee when said bill was under consideration.)

MR. SPEAKER:

The minority of the committee on the judiciary, dissenting from that portion of the report of the majority which denies the power of the Legislature to diminish the salaries of any public officer during his continuance in office, report that in their opinion the Legislature has power under the constitution to reduce perspectively after election or appointment during the remainder of the term of service the salaries of all officers of this State, except it is otherwise ordered by the constitution. In proof of this, the constitution has expressly contradistinguished in this particular the salaries of the Governor and the

Judges of the courts from other officers, so far acknowledging the power in the Legislature over the pay of those whose salaries are not fixed or in any wise limited by the constitution.

The doctrine once admitted that the salaries cannot in any instance be reduced during the remainder of the term, and the same doctrine prevails with regard to fees and perquisites; yet how often do we find these diminished or wholly withdrawn without a suspicion that the constitution has been infringed.

If the opinion of the majority is based upon an idea that a reduction of salaries would be a repudiation of a contract between the State and her salaried officers; then the same reasoning obtains between the State and those officers whose emoluments arise from fees, and with this view of the case, should a justice of the peace be invested at any time with power to issue writs of *habeas corpus* for which his fee was fixed and it should afterwards be found expedient to take from him that power, and in consequence the fee which followed its exercise, yet a constitutional objection would throw itself between the Legislature and the repeal of what, under such circumstances, must be looked upon as a vested right.

Again, if this doctrine of contracts applies in force between the State and her officers, they could not in all cases resign without breaking their implied engagements to the State. Yet this right has never been questioned.

Mr. Shoup moved the previous question;

Which was not seconded.

The question then recurring on the adoption of the report of the majority of said committee;

Which was agreed to.

Mr. Tevis moved that the rules be suspended, the bill be considered as engrossed and read a third time now;

Which was not agreed to.

Mr. Bradley moved that the House adjourn;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of D., Brown of Rush, Brown of White, Davis of Madison, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Huckaby, Jackson, Jones, Leslie, Major, Marvin, Mathers, McCormick, Meeker, Millikin, Montague, Mooney, Nelson, Norvell, Peak, Prilliman, Proctor, Real, Robinson, Shelby, Simonson, Snook, Stewart, Strain, Stratton, Swihart, Tevis, Thompson Williams Wilson and Mr. Speaker.—50.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Butler of R., Butler of V., Butterfield, Chrisman, Claypool, Clements, Cooley, Cuppy, Denny, Dufour, English, Foulke, Fuller, Hodges, Johnson, Lee, Lewis, Lingle, Logan, Lowe, Matheny, Moore of Floyd, Moore of Owen, Nees, O'Neal, Osborn, Rich, Roberts, Rose, Shoup, Sluss, Steele, Summers, Sumner and Wheeler—37.

So the House adjourned till half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Simonson,

Leave of absence was granted to Mr. Davis of Sullivan during the remainder of this session.

Mr. Simonson, on leave, introduced joint resolution,

No. 441. Entitled a joint resolution in relation to the effect of a resolution therein named;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Marvin, on leave, introduced bill,

No. 442. An act to provide for selecting petit jurors in Hendricks county, and for other purposes;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. English, on leave, introduced bill,

No. 443. An act to establish a State road in Scott county;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Edmonson, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Crawford, Orange, and Dubois counties;

Also, a remonstrance on the same subject, have had the same under consideration, and have directed me to report an additional section to the bill reported by the committee on roads, and recommend its adoption;

Which additional section having been read a first and second times was ordered to be incorporated in the General Road Law.

Mr. Nees, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of the county of Clay, praying the passage of a law declaring a certain county road a State road, have had that subject under consideration, and have directed me to report the following bill and recommend its passage, to-wit:

No. 445. An act declaring a certain county road a State road, in the county of Clay;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. Denny:

No. 446. An act to continue in force a certain act therein named;

By Mr. Brown of M.:

No. 448. An act to authorize the location of a certain State road therein named;

By Mr. Williams:

No. 449. An act to provide for selecting grand and petit jurors in Madison county;

Which bills were severally read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Rich:

No. 447. A bill concerning liens;

Read a first and second times and referred to the judiciary committee.

By Mr. Shelby:

No. 450. An act to incorporate the Dayton band;

Read a first and second times and referred to the committee on corporations.

By Mr. Williams:

No. 451. A bill for the relief of Elizabeth Harris and Susanna Autin;

Read a first and second times and referred to the committee on canals and internal improvements.

By Mr. Bales:

No. 452. A bill to provide for the education of the deaf and dumb;

Read a first and second times and referred to the committee on education.

By Mr. Flannegan:

No. 453. A bill in relation to the bonds of county treasurers and collectors;

Read a first and second times and referred to the committee on revision.

Mr. Steele, from a select committee, made the following report:

MR. SPEAKER :

The select committee to whom was referred the petition of a majority of the citizens of Jackson township, Parke county, asking relief for Stephen Pruette, report the following bill, and ask its passage;

No. 454. An act defining the duties of the school commissioners in township No. 14, north of range 6, west, in Parke county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. McCormick:

No. 455. A bill supplemental to an act for the completion of the Wabash and Erie canal west of Tippecanoe river;

Read a first and second times and referred to a select committee of Messrs. Coffin, McCormick, Strain, Clements and Bales.

Br. Mr. Stratton:

No. 456. An act in relation to county Asylums;

Read a first and second times; when

Mr. Moore of Owen moved to except from its provisions the county of "Owen;"

Which was agreed to.

Mr. Norvell moved to amend by excepting "Lawrence county;"

Which was agreed to.

The bill was then ordered to be engrossed for a third reading on tomorrow.

By Mr. Norvell:

No. 457. An act to make Treasury Notes receivable for improvements made on canal lands, east of Tippecanoe river;

Read a first and second times; when

Mr. Thompson moved to refer the bill to a select committee with instructions to "provide for a re-valuation of lands:"

Which did not prevail.

On motion,

The rule was suspended,

The bill was considered as engrossed, and read a third time;

When the question recurred, shall the bill pass?

And the ayes and noes having been demanded by Messrs. Norvell and Gorman:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Chrisman, Clements, Cooley, Davis of Madison, Denny, English, Gorman, Hardin, Hiatt, Hillis, Hodges, Jones, Lee, Lewis, Marvin, McCormick, Millikin, Nelson, Norvell, Patrick, Proctor, Real, Robinson, Shelby, Sluss, Snook, Strain, Stratton, Wheeler, Williams and Whight—37.

Those who voted in the negative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of Marion, Butler of Vanderburgh, Claypool, Coffin, Cuppy, Dufour, Dunn, Edmonson, Edwards, Foulk, Goodenow, Huckaby, Jackson, Johnson, Leslie, Lingle, Lowe, Major, Meeker, Mooney, Moore of Floyd, Moore of Owen, Nees, O'Neal, Osborn, Peak, Prilliman, Rich, Roberts, Rose, Shoup, Simonson, Steele, Stewart, Summers, Swihart, Tevis, Tingley, Thompson and Wilson—44.

So said bill failed on its passage.

Mr. Patrick moved to reconsider the vote heretofore taken on the rejection of No. 421, a joint resolution relative to the claim of Alexander Beard;

Which motion prevailed; and

The joint resolution read a second time; when

Mr. Patrick moved to amend first section after deducting twenty per cent. from the measurement according to the provisions of an act, approved 30th Dec. 1841.

Amend second section or proviso:

“And pay all costs and expenses attending the re-measurement as above provided for;

Which was not adopted.

Mr. Norvell moved to indefinitely postpone said joint resolution;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of M., Brown of Rush, Butler of Randolph, Clements, Cooley, Davis of Madison, Denny, Dufour, Dunn, Edmonson, Edwards, Foulke, Hardin, Hargrove, Huckaby, Johnson, Lee, Leslie, Lewis, Lingle, Lowe, Major, Matheny, Meeker, Montague, Mooney, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Roberts, Robinson, Shoup, Simonson, Sluss, Snook, Thompson, Tingley, Wheeler, Whight, Wilson and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Bradley, Brown of White, Butler of Vanderburgh, Butterfield, Carter, Chrisman, Claypool, Coffin, Cuppy, English, Flannegan, Francis, Gilbert, Goodenow, Gorman, Hawkins, Hodges, Jackson, Jones, Marsh, Marvin, McCormick, Millikin, Nees, Patrick, Prilliman, Real, Rich, Rose, Shelby, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Tevis and Williams—39.

So said joint resolution was indefinitely postponed.

Mr. Bradley moved to reconsider the vote heretofore taken on the reference to bill No. 127, (of the Senate) entitled "a bill to amend an act entitled an act for the location of a certain State road therein named," approved Jan. 31st, 1842;

Which motion prevailed.

The bill taken up,

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Gregory, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution of the House without amendment:

No. 441. A joint resolution in relation to the effect of a resolution therein named.

Mr. Tingley, from the committee on the revision, reported the following bill:

No. 458. Of the removal of causes to the circuit court, by writ of certiorari;

Read a first and second times and referred to a committee of the whole House, and made the order of the day for Monday next, at 2 o'clock, P. M.

BILLS INTRODUCED.

By Mr. Carter:

No. 459. A bill supplemental to the act authorizing a subscription for the History of the State of Indiana;

Read a first and second times and referred to the committee of ways and means.

By Mr. Swihart:

No. 460. A joint resolution relative to the towing path bridge across the Wabash river;

Read a first and second times and referred to the committee on canals and internal improvements.

By Mr. Bales:

No. 461. A bill to establish an Asylum for the education of deaf and dumb persons in the State of Indiana;

Read a first and second times and referred to the committee on education.

By Mr. Thompson:

No. 462. A joint resolution in reference to the reduction of the rates of letter postage;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Nees:

No. 463. An act to repeal certain parts of an act therein named;
Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Moore of O.,

Bill No. 327;

Was taken from the table;

And on motion,

Referred to the same select committee to which that subject had been heretofore referred.

By Mr. Swihart:

No. 464. A joint resolution in relation to pre-emptioners in the State of Indiana;

Which was read a first and second times; and

Referred to a select committee of Messrs. Swihart, Carter and Thompson.

The Speaker laid before the House a communication from N. B. Palmer, Bank examiner;

Which was referred to the committee on claims.

The Speaker laid before the House the following communication, from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }
February 1st, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

I have the honor to enclose to you to be laid before the House of Representatives, a communication on the subject of the Eel river feeder dam. There is no remedy in the case mentioned, except by the action of the Legislature.

I am, sir,

Yours, most respectfully,

SAMUEL BIGGER.

Which communication and the subject matter therein referred to, were referred to a select committee of Messrs. Nees, O'Neal, Moore of Owen, Hodges, Strain and Norvell.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has concurred in the report of the joint committee of free conference, appointed to take into consideration the disagreement between the two Houses in relation to bill of the House,

No. 143. An act to divide the State into congressional districts.

The Speaker laid before the House the following communication from the Auditor of State:

AUDITOR'S OFFICE, }
Indianapolis, Feb. 2d, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

SIR:—In answer to a resolution of the House of Representatives, requesting the Auditor of State to communicate to the House, "the annual cost of enrolling the acts of the General Assembly, for the last four years," I have the honor to submit the following statement:

There was audited and paid for enrolling the acts of the General Assembly during the session of	1838 and 1839,	\$924 75
For enrolling the acts of the session	1839 and 1840,	764 00
For enrolling the acts of the session	1840 and 1841,	726 50
For enrolling the acts of the session	1841 and 1842,	501 00

Total amount paid for enrolling during the last four years, \$2,916 25

Respectfully submitted,

M. MORRIS, A. P. A.

Which was referred to a select committee of Messrs. Claypool, Gorman and Goodenow.

Mr. Logan, from a select committee, on leave, made the following report:

MR. SPEAKER:

The select committee to whom was referred the joint resolution of the General Assembly of the State of Illinois, in reference to the fine imposed upon Gen. Jackson, by the District Judge of the United States, for the District of Louisiana, made the following

REPORT,

That they have considered the subject referred, and for themselves, are conscious that public opinion in Indiana, the voice of the nation, and the judgment of the world combine with the dictates of abstract justice, in calling for action, prompt, decided Legislative action, resulting in the refunding of the said fine, with interest, to the man who "filled the measure of his country's glory." But the committee are also aware, that no such action is to be expected at present. Agitation of the subject is all that can be attained, until the people shall have time to reform their legislative assemblies in a constitutional manner. Well may it be demanded, why has the claim of the le-

gal Representatives of one who lived and died a convicted, though pardoned, coward and traitor, for services not actually, but only constitutionally rendered, received more favor at the hands of certain politicians, than the demand of the Nation, that a fine unjustly assessed, and paid, should be refunded to the bravest and most disinterested patriot of the age?

The committee find response to the startling interrogatory by a recurrence to facts.

From the earliest period of our National History, a party in the United States has been formed ever vigilantly intent upon the introduction and establishment of principles and practices, tending to the prostration of State rights, and the consolidation of federal power; to the prostration of individual prosperity and independence, and to the concentration of money and influence in the hands of a few. During the last war, the excitement induced by its interests, and the incidents withdrew the attention of the people from the actions and designs of this party, which consequently was advancing, and in the full tide of successful experiment. The action of this party received a first check from the hands of Gen. Jackson, while he was President. His repeated vetoes of their favorite measures rescued the country from the influence of a system, the merit of which consists in creating causes, insidious and plausible, which are sufficient, for a time at least, to control the popular will through the laws of corruption and apparent necessity. *For this, he never has been and never will be forgiven.*

The disappointed faction may, at times, make qualified admissions, in his favor; they may even praise him when they seek promotion at the hands of the people, who love and revere him. But there is gall in their secret hearts, and they are ever ready to thwart the policy which he introduced and recommended, and to deny to him personal, political or pecuniary justice, *whenever they dare to do so.* While enough of that party to paralyze popular action shall continue to occupy the high places to which they ever aspire, Gen. Jackson's friends will fail in their efforts to expunge the flagitious record. Under pretence of unwillingness to invade the tomb and stir the ashes of the dead, justice will be denied the living patriot. When Satan is intent upon some purpose more than ordinarily Hellish, he assumes the sanctity and garb of a most peculiar angel. Still he is a devil. Disguise thyself as thou wilt "Federalism, thou art Federalism still." Beneath the flowing robes of Protection, Currencies and respect for the memory of the dead, may be seen the cloven foot, taxation, Bank and hatred.

No appropriate action can be had upon that subject at the present session of this General Assembly, for causes above alluded to. The effort has been made, and has failed.

"But there's another day coming!"

EZEKIEL D. LOGAN, Chairman.

And, on motion,
The House adjourned until Monday morning, 8½ o'clock.

MONDAY MORNING, FEBRUARY 6, 1843.

The House met pursuant to adjournment.

PETITIONS, &c., WERE PRESENTED :

By Mr. Lowe ;

The remonstrance of sundry citizens of Rush county, against the law legalizing the acts of justice Tullis, as therein named;

By Mr. Brown of R.;

Of G. C. McDuffee and others, in relation to the law legalizing the acts of justice Tullis;

Which were severally referred to a select committee of Messrs. Lowe, Brown of R., Tingley, Hillis, Hawkins, Tevis and Robinson.

On motion of Mr. Norvell,

Leave of absence was granted to Mr. Marsh during the balance of this session.

On motion of Mr. Foulk,

Leave of absence was granted to Mr. Bradley on account of ill health.

On motion of Mr. Moore of F.,

The House resumed the consideration of the boundary line question between the counties of Clark and Floyd.

The chair announced the question to be on the adoption of Mr. Simonson's amendment to the report of the committee;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Dearborn, Butler of Vanderburgh, Clements, Coffin, Denny, Dunn, Edwards, Gilbert, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Proctor, Real, Rich, Shelby, Simonson, Snook, Steele, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker.—40.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Cooley, Cuppy, Davis of Madison, Dufour, Edmonson, Flannegan, Francis, Foulke, Fuller, Goodenow, Gorman, Hargrove, Jackson, Jones, Lewis, Lingle, Logan, Major, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Rose, Shoup, Stewart, Strain and Swihart—47.

So said amendment was not adopted.

The question then recurred, will the House concur in the report as made by a portion of the committee;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Campbell, Chrisman, Cooley, Cuppy, Davis of Madison, Dufour, Dunn, Edmonson, Fuller, Goodenow, Gorman, Hargrove, Hawkins, Jackson, Jones, Lewis, Lingle, Logan, Major, Matheny, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Stewart, Swihart and Tevis—42.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Clements, Coffin, Denny, Edwards, Flannegan, Foulk, Francis, Gilbert, Hardin, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Nelson, Patrick, Proctor, Real, Rich, Shelby, Simonson, Snook, Steele, Strain, Summers, Sumner, Thompson, Tingley, Whight, Wilson and Mr. Speaker—43.

So the House did not concur in said report.

Mr. Butler of Randolph moved to reconsider the vote just taken;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Campbell, Chrisman, Cooley, Cuppy, Dufour, Dunn, Edmonson, Fuller, Gorman, Hargrove, Jackson, Johnson, Jones, Lewis, Logan, Lowe, Major, McCormick, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees,

Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Stewart, Swihart and Tevis—44.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butler of Vanderburgh, Butterfield, Claypool, Clements, Davis of Madison, Denny, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hardin, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Patrick, Proctor, Real, Rich, Shelly, Simonson, Sluss, Steele, Stratton, Strain, Summers, Sumner, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker—45.

So the House refused to reconsider said vote.

Mr. Tingley, on leave, introduced the following bill:

No. 465. Entitled "a bill regulating the per diem allowance of members of the General Assembly;"

Read a first and second times; when

Mr. Millikin moved to refer the bill to a select committee with the following instructions:

To strike out "thirty" when it occurs the second time in the bill, and insert "twenty" and inquire whether the second section is not for Buncombe.

Mr. Hillis moved to amend the instructions as follows:

Strike out the words "\$3 and \$2 50" when they occur and insert the word "\$2;"

Mr. Brown of M. moved to lay the bill and pending instructions on the table;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Davis of Madison, Denny, Dufour, Dunn, Flannegan, Francis, Fuller, Gilbert, Hardin, Hawkins, Jackson, Johnson, Jones, Lee, Lingle, Logan, Mathers, McCormick, Nees, Nelson, Norvell, Patrick, Peak, Proctor, Real, Snook, Stewart, Strain, Swihart, Williams and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Bowers, Butier of V., Butterfield, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Edmonson, Edwards, Foulk, Goodenow, Gorman, Hiatt, Hargrove, Hillis, Hodges, Huckaby, Leslie, Lewis, Lowe, Major, Marvin, Matheny, Meeker, Mitchell, Montague, Millikin, Mooney, Moore of F., Moore of Owen, O'Neal, Osborn, Prilliman,

Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Steele, Stratton, Summers, Sumner, Tevis, Thompson, Tingley, Whight and Wilson—52.

So said motion did not prevail.

Mr. Shoup moved a division of the question on committing;

The question then being, "shall the bill be committed?"

Which was decided in the affirmative.

Then the question recurred on the adoption of Mr. Hillis's amendment to the instructions of Mr. Millikin;

Which was not adopted.

Mr. Chrisman moved to amend the instructions as follows:

"By fixing the per diem allowance of members of the Legislature at two dollars per day;"

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, Foulke, Fuller, Goodenow, Gorman, Hardin, Hillis, Hodges, Huckaby, Johnson, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, Mathers, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Summers, Tevis, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Carter, Edmonson, Flannegan, Francis, Gilbert, Hawkins, Jackson, Jones, Lee, Mitchell, Patrick, Prilliman, Stratton, Sumner and Swihart.—15.

So said amendment to the instructions was adopted.

Mr. Clements moved to amend the instructions as follows:

Amend the bill "that all fees and salaries shall be reduced equally in proportion to the pay of members of the Legislature."

Mr. Brown of M. moved to amend the proposed amendment of Mr. Clements as follows:

"To fix the salary of the following officers at, to-wit:

The Governor	-	-	-	\$1,000 00
The Secretary of State	-	-	-	600 00
The Auditor	-	-	-	600 00
The Treasurer	-	-	-	800 00
Judges of the Supreme Court	-	-	-	1,000 00
Judges of the Circuit Court	-	-	-	800 00
Associate and Probate Judges, 2 dollars per day;"				

And the ayes and noes having been demanded by Messrs. Brown of M. and Lowe:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Claypool, Cooley, Davis of Madison, Dufour, Edmonson, Foulke, Gorman, Hargrove, Hardin, Hiatt, Hillis, Hodges, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Meeker, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Shelby, Shoup, Sluss, Strain, Stratton, Summers, Tingley and Whight—57.

Those who voted in the negative were,

Messrs. Carter, Chrisman, Clements, Coffin, Cuppy, Denny, Dunn, Edwards, Flannegan, Francis, Gilbert, Huckaby, Jackson, Leslie, Montague, Patrick, Rich, Robinson, Rose, Simonson, Snook, Steele, Thompson and Wilson.—24.

So said amendment was adopted.

Mr. Simonson moved to amend as follows :

That no mileage be allowed members of the legislature ;

Which was not adopted.

Mr. Nelson moved to amend the instructions of Mr. Millikin, to wit :

To strike out the second section of the bill ;

Which was adopted.

Mr. Wilson moved to amend the amendment by instructing the committee to add the following section :

SEC. That inasmuch as the session is now near a close, and any reduction proposed in the pay of members could not affect either our pockets or relieve the treasury ; *and whereas*, we might by an action had at this late hour subject ourselves to the charge of insincerity and meanness towards our successors ;

Therefore, be it enacted, That it is impolitic and unjust to act on this matter.

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Carter, Dunn, Edmonson, Francis, Huckaby, Leslie, Mathers, McCormick, Simonson, Stratton and Wilson.—12.

Those who voted in the negative were,

Messrs. Bowers, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of V., Butterfield, Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of M., Denny, Dufour, Edwards, Flannegan, Foulke, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, Meeker, Millikin, Mitchell, Montague, Mooney, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, Osborn, O'Neal, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Snook, Steele, Stewart, Strain, Summers, Sumner, Tevis, Thompson, Tingley, Whight and Williams.—70.

So said amendment was not adopted.

The chair thereupon announced Messrs. Millikin, Tingley and Norvell said select committee.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have examined bills of the House, No. 237. An act to locate a State road in the county of Greene.

No. 159. An act to change the name of Henry Harrison Collins of Greene county.

No. 136. An act reducing the expenses of the county of Porter, and for selecting petit jurors therein.

No. 226. An act to vacate the town of New Lexington in Grant county.

No. 378. An act relative to school taxes in Wells and Lagrange counties, and compared them with the engrossed bills and find them correctly enrolled, and presented them to the Governor for his signature.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

On motion of Mr. Shoup,
The House took up,

BILLS ON THEIR THIRD READING.

No. 418. A bill to repeal the 16th section of an act entitled an act prescribing the duties of county treasurers, approved Feb. 12th, 1841 ;

Read a third time, and,

On motion of Mr. Tingley,
Laid on the table.

No. 96. A bill for the relief of the executors of Joseph Ratliff, deceased.

No. 91. A bill to amend an act entitled, "an act to revise and amend an act incorporating Congressional townships and providing for public schools therein," (approved February 17th, 1838, approved February 15th, 1841,) of the Senate,

Were severally read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 413. An act to reduce the expenses of the several counties in this State ;

Read a third time, and by unanimous consent was amended by excepting from the provision of said act the counties of Pike and Clay and passed.

Ordered, That the clerk inform the Senate thereof.

No. 427. An act to divorce Eli Davidson from his wife Margaret Davidson.

No. 456. An act in relation to county asylums, of the House,

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 169. An act to change the names of Jay Thompson and Mary Elizabeth Lee.

No. 54. An act to regulate the sale of real estate by executors, administrators, or guardians.

No. 112. An act to incorporate the Tippecanoe Academy,

No. 172. A bill fixing a certain annual compensation to the auditor of Hancock county, of the Senate,

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 382. An act to repeal certain sections of an act therein named.

No. 399. A bill defining the duties of boards doing county business in the several counties in this State, of the House,

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 430. A bill for the payment of claims due on account of the White-water canal ;

Read a third time ; when,

Mr. Moore of Owen moved to recommit the bill to a select committee, instructing them to so modify the bill that any gentleman here could understand it ;

Which was not agreed to.

The question then recurring, "shall the bill pass ?"

And the ayes and noes having been demanded by Messrs. Simonson and Huckaby :

Those who voted in the affirmative were,

Messrs. Chrisman, Claypool, Clements, Coffin, Cooley, Davis of M., Dunn, English, Foulke, Fuller, Hiatt, Hillis, Jackson, Johnson, Mar-

vin, Matheny, Mathers, Millikin, Mooney, Myers, Nees, Osborn, Prilliman, Robinson, Rose, Shoup, Snook, Stratton, Summers, Tingley, Williams and *Mr. Speaker*.—32.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Butler of R., Butler of Vanderburgh, Campbell, Denny, Dufour, Edmonson, Edwards, Flannegan, Francis, Gilbert, Hardin, Hargrove, Hodges, Huckaby, Lee, Leslie, Lingle, Logan, Lowe, Major, Moore of F., Moore of O., Nelson, Norvell, O'Neal, Proctor, Real, Rich, Roberts, Shelby, Simonson, Sluss, Steele, Stewart, Strain, Sumner, Thompson, Whight and Wilson.—35.

So said bill was lost on its passage.

No. 350. A bill to provide for the payment of taxes of non-residents through the State Treasury ;

Read a third time, and,

On motion of Mr. Meeker,

Laid on the table.

Mr. Gorman, chairman of the committee on revision, on leave, reported the following bill :

No. 466. Of courts of justices of the peace, and of constables ;

Read a first and second times, and referred to a committee of the whole House, and made the order of the day for this day, at 2 o'clock P. M.

And on motion,

The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from His Excellency, the Governor, by I. H. Kiersted, his private secretary :

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 4th inst. he approved and signed

No. 441. A joint resolution in relation to the effect of a joint resolution therein named ;

Which originated in the House of Representatives.

Mr. Swihart, on leave, introduced the following bill :

No. 467. Entitled "A section to be incorporated in the general road bill for a State road from Wabashtown to Noblesville;"

Read a first and second times and ordered to be incorporated in the General Road law.

Mr. Gorman, chairman of the committee on canals and internal improvements, reported back to the House bill,

No. 451. A bill for the relief of Elizabeth Harris and Susanna Autin;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Claypool, from a select committee, reported the following bill:

No. 468. A bill to reduce the costs of enrolling the acts of the General Assembly;

Read a first and second times and ordered to be engrossed for a third reading on to-morrow.

Mr. Moore of F., from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the petition of sundry citizens of Orange county, asking that an immediate change of agents on the New Albany and Vincennes turnpike road might be made, and to whom the report and vouchers of said agent were also referred, have had those subjects under consideration, and a portion of that committee have directed me to make the following report :

The committee find on examination of his accounts that said agent has expended on said road,	-	-	-	\$1,630 03
That he has received for tolls,	-	-	-	1,522 12

Balance due said agent,	\$108 12
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Your committee on an inspection of the vouchers of said agent find that he has paid much higher prices for work on said road than he should have paid, as the same work could have been performed for much less money. The committee find by the report of said agent to the Treasurer of State, that there is a balance of about seven hundred dollars due to sundry individuals for work and labor done on said road in unsettled accounts.

The committee have no evidence before them to substantiate the charges made against said agent by the petitioners, and as the session is speedily drawing to a close they have not time to send for persons and papers or other proof in relation to the charges made in the petition.

Said agent shows by his report that he has expended about \$800 more on the road than he has received, and which sum the road is still indebted for as follows :

Balance due to himself, - - -	\$108 12
Unsettled accounts to sundry individuals for repairs and materials furnished, about - -	700 00
	<hr/>
	\$808 12

Said agent admitted before the committee that some of the work done by him on said road was not needed at present, and that he had neglected that portion of the road between Paoli and Fredericksburg; that he had paid \$18 00 per month for hands to work on said road, and that he had paid \$2 00 per day for teams, and that stone was hauled a longer distance in some instances than was necessary.

The committee have no evidence before them by which they can ascertain the proportion of good money and treasury notes received by said agent for tolls and paid out by him for repairs, labor done, and materials furnished. In view of all the facts presented, the committee are of the opinion, laborers could have been hired at a much lower price and hauling done for less than said agent paid.

By the provisions of an act passed at the present session, the sum of \$500 00 is appropriated to be expended on said road between New Albany and Paoli; and in the opinion of the committee, the commissioner to be appointed by the provisions of said act could attend to and superintend the expending of the money on said road between New Albany and Paoli. The committee have, therefore, directed me to report the following joint resolution and recommend its passage :

No. 469. A joint resolution concerning the New Albany and Vincennes turnpike road ;

Read a first and second times ; when,

Mr. Clements moved to refer the joint resolution to the committee on canals and internal improvements ;

And the ayes and noes having been demanded by Messrs. Moore of F. and Leslie :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Butler of Vanderburgh, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hardin, Hiatt, Hillis, Hodges, Jackson, Leslie, Matheny, Mathers, Meeker, Mitchell, Montague, Mooney, Myers. Nees, Real, Rich, Shelby, Simonson, Sumner, Tevis, Tingley, Williams and Wilson—38.

Those who voted in the negative were,

Messrs. Butterfield, Campbell, Cooley, Denny, Dufour, Dunn, Edmonson, English, Gorman, Hargrove, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, McCormick, Millikin, Moore of Floyd, Moore of Owen, Nelson, Osborn, Peak, Prilliman, Proctor, Roberts, Robinson, Rose, Shoup, Steele, Sluss, Snook, Strain, Swihart, Whight and Mr. Speaker.—38.

So said joint resolution was not referred.

The question then recurring,

“Shall said joint resolution be engrossed for a third reading on to-morrow?”

And the ayes and noes having been demanded by Messrs. Edwards and Clements:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of White, Butler of Randolph, Campbell, Cooley, Davis of M., Denny, Dufour, Dunn, Edmonson, English, Gorman, Hardin, Hargrove, Hodges, Huckaby, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Millikin, Mooney, Moore of F., Moore of Owen, Nees, Nelson, O’Neal, Osborn, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Sluss, Snook, Steel, Stewart Summers, Sumner, Whight and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Butler of Vanderburgh, Butterfield, Claypool, Clements, Cuppy, Edwards, Flannegan, Foulke, Francis, Gilbert, Hiatt, Hillis, Leslie, Mathers, Meeker, Mitchell, Myers, Peak, Simonson, Strain, Swihart, Tevis, Tingley and Wilson—24.

So said joint resolution was ordered to be engrossed for a third reading.

Mr. Browd of M., chairman of the committee on county boundaries, reported the following bill:

No. 470. A bill concerning county boundaries;

Read a first and second times and referred to a committee of the whole House, and made the order of the day for this day, at 3 o’clock P. M.

Mr. Whight, on leave, introduced bill,

No. 471. A bill regulating the jurisdiction of the justices of the peace in Pike county;

Read a first and second times and referred to a select committee of Messrs. Whight, Gorman, and Mooney.

Mr. Cuppy, from a select committee, made the following report:

MR. SPEAKER:

The committee to whom was referred a petition from the citizens of Whitley county, on the subject of township business, have had that subject under consideration, and directed me to report the following bill and recommend its passage:

No. 472. A bill to amend an act entitled, "an act to provide for a more uniform mode of doing township business in the several counties therein named;" (approved February 17th, A. D. 1838;)

Read a first and second times; when,

Mr. Prilliman moved to extend the provisions of said bill to the counties of Huntington and Wells;

Which was agreed to; and,

The rules were suspended, bill considered as engrossed, and read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Strain, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill,

No. 150. An act to amend an act incorporating the town of Terre Haute, have had the same under consideration, and have directed me to report the same back to the House, without amendment, and recommend its passage.

No. 150. An act to amend an act incorporating the town of Terre Haute, (approved February 17th, 1838,) and an act amendatory of the same, (approved February 16th, 1839,) of the Senate ;

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gorman, chairman of the committee on canals and internal improvements, reported back to the House the following joint resolution :

No. 460. Entitled a joint resolution relative to the towing path bridge across the Wabash river.

Mr. Edwards moved to amend by inserting the following :

Provided it shall not cost more than the former contract ;

Which was agreed to.

Then the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Gorman, chairman of the committee on the revision, reported back to the House the following bills for its action thereof :

No. 55, (of the Senate.) An act amendatory of the act regulating the practice in chancery, (approved February 10th, 1831 ;)

No. 339, (of the House.) An act to amend the act regulating the jurisdiction and duties of justices of the peace.

No. 157. An act to repeal an act regulating distress for rent, (approved February 17th, 1838.)

No. 353. An act to amend an act relative to crime and punishment, (approved February 10th, 1831.)

No. 308. A bill authorizing the election of county surveyors by the people ;

Which bills were, on motion, laid on the table.

Mr. Gorman, chairman of the committee on the revision, reported back to the House the following bill and recommended its passage :

No. 202. A bill providing for the sale of lands mortgaged to the sinking fund, and for other purposes ;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gorman, from the committee on revision, reported back to the House the following bill :

No. 453. A bill in relation to bonds of county treasurers and collectors ; when,

Mr. Edwards moved to amend by inserting after the word "money" "papers and effects ;"

Which was agreed to ; and the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gorman, chairman of the committee on revision, reported back to the House bill,

No. 404. A bill in relation to interest on money ; when,

The question recurred, "shall the bill be engrossed for a third reading on to-morrow ?"

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Bowers, Carter, Dunn, Francis, Hawkins, Jones, Leslie, Lingle, Mitchell, Mooney, Nees, Patrick, Simonson, Sumner, Swihart and Wilson.—18.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Denny, Dufour, Edmonson, Edwards, English, Fuller, Hardin, Hargrove, Gilbert, Goode now, Gorman, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Johnson, Lewis, Logan, Lowe, Major, Marvin, Millikin, Matheny, Mathers, Meeker, Montague, Moore of F., Moore of Owen, Myers, Nelson, O'Neal, Osborn, Peak, Prilliman, Real, Rich, Roberts, Rose, Shelby, Shoup, Sluss, Snook, Steele, Strain, Stratton, Summers, Tevis, Tingley. Whight Williams and Mr. Speaker—67.

So said bill was not ordered to be engrossed.

Mr. McCormick, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill,

No. 455. Entitled a bill supplemental to an act for the completion of the Wabash and Erie canal west of Tippecanoe river, have had the same under consideration, have made one amendment, and recommend its passage.

The amendment mentioned in said report was concurred in by the House; when,

Mr. Rich moved to strike out that which relates to interest :

Which was not agreed to.

Mr. Norvell moved to amend as follows :

That the interest should be paid out of the lands appropriated for the construction of said canal ;

Which was adopted.

Then, on motion,

The rule was suspended, the bill considered as engrossed and read a third time.

The question then recurring,

“ Shall the bill pass ?”

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bales, Brown of Marion, Brown of Rush, Brown of W., Butler of Vanderburgh, Butterfield, Chrisman, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Francis, Gilbert, Gorman, Hardin, Hargrove, Hawkins, Hillis, Hodges, Jackson, Jones, Lee, Lingle, Matheny, Mathers, McCormick, Millikin, Mooney, Myers, Nees, Nelson, Norvell, O'Neal, Patrick, Prilliman, Real, Roberts, Rose, Shelby, Sluss, Snook, Steele, Stewart, Strain, Sumner, Swihart, Tevis, Tingley, Whight, Williams and Mr. Speaker.—55.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of D., Butler of R., Claypool, Cooley, Dufour, Edmonson, Edwards, Flannegan, Goodenow, Huckaby, Leslie, Lewis, Lowe, Meeker, Mitchell, Moore of Floyd, Moore of Owen, Osborn, Peak, Proctor, Rich, Shoup, Simonson, Stratton, Summers and Wilson.—28.

So said bill passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Gorman, from a select committee, reported back to the House bill,

No. 72, (of the Senate.) Entitled "A bill to modify the power to sell or remove the public county buildings in the county of Knox ;"

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hawkins, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to which was referred a petition from sundry citizens of Jay county, praying that section lines be declared public highways, report that the committee on roads have amply provided by a section in the road act for that subject, and ask to be discharged from the same ;

Which report was concurred in by the House.

The following message was received from the Senate by Mr. Heriman, a Senator :

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed a bill of the House,

No. 313. Entitled "An act for the relief of Henry John," with one amendment, in which the concurrence of the House is requested.

The amendment of the Senate to bill No. 313, mentioned in said report was concurred in by the House.

And, on motion,

The House adjourned till half past 8 o'clock to-morrow morning.

TUESDAY MORNING, FEB. 7, 1843.

The House met pursuant to adjournment.

The following message was received from his Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 6th inst. he approved and signed the following acts :

No. 398. An act to repeal a certain act therein named.

No. 402. An act to change the name of William Todhunter.

No. 405. An act to amend an act entitled, "An act to incorporate the Mount Carmel and New Albany railroad company," (approved February 4th, 1837.)

No. 373. An act for the relief of James Smith, of Gibson county; All of which originated in the House of Representatives.

Mr. Lowe, chairman of the committee on claims, made the following report:

MR. SPEAKER:

The committee on claims to whom was referred a bill No. 374, for the relief of Kinney, Wright & Gookins, have had that subject under consideration, and directed me to report the same back and recommend its passage;

No. 374. A bill for the relief of Kinney, Wright and Gookins, mentioned in said report; was

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The House took up the following message, which was received from the Senate by *Mr. Maguire* their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed without amendment, engrossed bills of the House of Representatives, entitled as follows:

No. 125. An act to amend an act entitled "an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis Railroad company;

No. 384. An act for the relief of James Gee and Abigail Gee, of Huntington county;

No. 393. An act to authorize the erection of mill dams across Elkhart river, in Elkhart county;

No. 400. An act in relation to the county Seminary and Laporte University Building, in Laporte county;

No. 431. An act to extend the provisions of an act therein named to the counties of Huntington and Wells;

No. 433. An act to legalize the mill dam now erected across the Salamonie river, owned by Robert and Michael English;

The Senate continues to insist on its third amendment to the bill of the House,

No. 171. An act to amend an act subjecting real and personal property to execution;

And Messrs. Collins and Miller are appointed a committee of free conference on the part of the Senate, to take into consideration the disagreement between the two Houses, on the subject of said bill.

The Senate has passed bills of the House of Representatives, Nos. 195, 198, 199, 270, 367, 368, and 429, comprising part 1st of the Revised Statutes, with three amendments, in which I am instructed to ask the concurrence of the House of Representatives.

The Senate has also passed with amendments, engrossed bills of the House of Representatives, entitled:

No. 17. An act to change the mode of doing county business in the counties of Warrick and Dubois;

No. 23. An act to amend an act relative to granting licenses;

No. 148. An act for the relief of certain persons therein named;

No. 244. An act for the relief of the settlers on canal lands;

No. 299. An act to improve certain State roads therein named;

No. 331. An act regulating the compensation of road supervisors in the county of Rush;

No. 381. An act relating to the Seminary fund, in Cass county;

No. 392. An act to authorize the board of commissioners of Grant county to rescind an order made upon their record;

In which amendments the concurrence of the House of Representatives is respectfully requested.

The Senate has passed engrossed bills thereof entitled as follows, viz:

No. 134. An act to amend an act entitled "an act to amend an act entitled an act, to organize the Militia of Indiana," approved Feb. 10th, 1831, approved Jan. 31st, 1842;

No. 180. An act to authorize George Richards, Isaac Coonfield, James Epison, Henry Harper and Benjamin Hensley to file their claim against school district No. 1, township 12, North of range 2, east, in Morgan county;

No. 182. An act to legalize the proceedings of the trustees and citizens of school district No. 10, north of range No. 5, east;

No. 184. An act to vacate a part of a certain State road therein named;

In which several bills I am directed to ask the concurrence of the House of Representatives.

The first amendment of the Senate to

No. 429. Part first of the revision, mentioned in said message was concurred in by the House;

The second amendment was concurred in with the following amendment:

"Except the counties of Lawrence and Owen;"

The third amendment to said bill was,

On motion of Mr. Millikin,

Concurred in with the following amendment: strike out "30" whenever it occurs, and insert "70;"

The amendment of the Senate to,

No. 17. Mentioned in said message was not concurred in by the House;

The amendments of the Senate to engrossed bills of the House, Nos. 23 and 148, mentioned in said message, were severally concurred in by House;

The first amendment of the Senate to bill

No. 244. Mentioned in said message, was concurred in by the House, and the second not concurred in;

The amendment of the Senate to bill

No. 299. Mentioned in said message, was not concurred in by the House;

The amendment of the Senate to bill

No. 331. Mentioned in said message, was concurred in with the following amendment:

"Provided that the funds do not consist in forfeited recognizances;"

The amendment of the Senate to bill

No. 392. Mentioned in said message, was concurred in by the House;

Engrossed bill of the Senate

No. 134. Mentioned in said message, was

Read a first and second times and referred to the committee on military affairs.

Engrossed bill of the Senate

No. 180. Mentioned in said message, was

Read a first time and passed to a second reading on to-morrow.

Engrossed bills of the Senate

Nos. 182 and 184. Mentioned in said message,

Were severally read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

The amendments of the Senate to bill

No. 23. (Of the House) mentioned in said message, was concurred in by the House.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House, that the Senate has passed engrossed bill of the Senate, No. 140, entitled "an act to authorize Richard Palmer of Daviess county to build a mill dam across White river, in Knox and Daviess counties, to which the concurrence of the House of Representatives is respectfully requested.

No. 140. (Of the Senate) mentioned in said message; was

Read a first and second times; when

Mr. O'Neal moved to refer the bill to a select committee.

Mr. Moore of O. moved to indefinitely postpone said bill;

And the ayes and noes having been demanded by Messrs. Clements and Moore of O:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Dearborn, Campbell, Chrisman, Claypool, Cooley, Davis of M., Dufour, Denny, Dunn, English, Foulk, Goodenow, Gorman, Hardin, Hillis, Hodges, Johnson, Logan, Major, Marvin, Montague, Moore of F., Moore of O., Nees, Nelson, O'Neal, Osborn, Patrick, Real, Rich, Shelby, Sluss, Snook, Summers, Wheeler and Whight—38.

Those who voted in the negative were,

Messrs. Bradley, Brown of W., Butler of Randolph, Butler of Vanderburgh, Butterfield, Carter, Clements, Cuppy, Edmonson, Edwards, Flannegan, Francis, Fuller, Gilbert, Hargrove, Hawkins, Huckaby, Jackson, Lee, Leslie, Lewis, Lowe, McCormick, Meeker, Millikin, Mitchell, Mooney, Myers, Parker, Peak, Proctor, Roberts, Rose, Shoup, Simonson, Steele, Stewart, Strain, Sumner, Swihart, Tevis, Thompson, Tingley, Wilson and Mr. Speaker.—45.

So said bill was not indefinitely postponed.

The question recurring on the commitment of said bill;

Which was decided in the affirmative.

Thereupon, the chair announced the following said committee:

Messrs. O'Neal, Peak, Clements, Sluss, Moore of O., Norvell, Jones, Mooney and Johnson.

Mr. Bradley, on leave, introduced the following joint resolution:

No. 472. Entitled a joint resolution to suspend a certain act therein named, in Laporte county;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up the following message from the Senate, which was received by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has concurred in the amendments of the House of Representatives to bill of the Senate,

No. 119. An act to incorporate the Cambridge city and Venice turnpike company;

Also, the Senate has passed bills of the Senate, entitled:

No. 181. An act to authorize the erection of a mill dam across the east fork of White river, in Jackson county;

No. 183. An act providing for the location of a State road in Delaware, Blackford and Huntington counties;

No. 181. A bill mentioned in said message, was

Read a first and second times, and referred to a select committee of Messrs. O'Neal, Peak, Clements, Sluss, Moore of O., Norvell, Jones, Mooney and Johnson.

No. 183. A bill mentioned in said message, was
Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The House took up the following message which was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am directed to inform the *House of Representatives* that the Senate has passed engrossed bills thereof, entitled:

No. 157. A bill to incorporate and establish in the city of Madison an institution for the dissemination of the medical and associate sciences;

No. 122. A bill for the relief of the borrowers of the sinking fund, surplus revenue fund, saline fund, college fund and school fund;

No. 160. A bill to authorize the agent of State to sign off under the bankrupt act for the discharge of Woram & Haughumt, or either of them;

Also, a bill of the House of Representatives without amendment as follows, to-wit:

No. 349. A bill to repeal the 30th section of the second amendment of the Bank charter, and the act to create a 17th Bank district;

In which bills of the Senate the concurrence of the House of Representatives is respectfully requested.

ENGROSSED BILLS OF THE SENATE.

No. 157. Mentioned in said message, was

Read a first and second times and referred to the committee on corporations.

No. 122. A bill of the Senate, mentioned in said message, was

Read a first time and passed to a second reading on to-morrow.

No. 160. A bill of the Senate, mentioned in said message, was

Read a first and second times and referred to the judiciary committee.

The House took up the following message from the Senate, which was received by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, to-wit.

No. 148. An act for the collection and settlement of the funds belonging to the Delphi Insurance company,

In which the concurrence of the House is respectfully requested.

No. 148. A bill of the Senate mentioned in said message, was Read a first and second times and referred to the committee on corporations.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, without amendment, entitled:

No. 179. An act for the relief of Harman Warrom;

No. 287. An act to amend an act concerning proceedings in ejectment, and for the relief of occupying claimants of land, approved Jan. 13th, 1831;

No. 66. An act amendatory of an act to authorize the building of a towing path bridge at Carrollton, Carroll county, Indiana, and for other purposes;

Also, engrossed bills of the House, with amendments, entitled,

No. 156. An act relative to suits against Miami Indians ;

No. 165. An act to provide for the payment of expenses incurred for the protection of the school fund ;

No. 438. A joint resolution supplemental to a joint resolution providing for ascertaining the amount due contractors on the Madison and Indianapolis railroad, (approved January 28th, 1843 ;)

In which the concurrence of the House of Representatives is respectfully requested.

The amendment and additional section of the Senate to bill No. 156 mentioned in said message were concurred in by the House;

The amendment of the Senate to bill No. 165, mentioned in said message were concurred in by the House ; also,

The amendments of the Senate to bill No. 438, mentioned in said message were concurred in by the House.

On motion of Mr. Carter,

The vote heretofore taken on the amendment of Mr. Norvell to bill No. 381, was reconsidered.

The amendment of the Senate to said bill was concurred in by the House.

Mr. Shelby moved to reconsider the vote taken on the passage of bill No. 472 ;

Which was agreed to.

And, on his motion,

The bill was amended by unanimous consent of the House by extending its provision to the county of Tippecanoe.

And the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Goodenow, from the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House,

No. 215. Entitled "A bill amendatory to an act repealing the 18th, 21st, and 23d sections of the act prescribing the duties of county treasurers," approved February 12th, 1841, approved December 24th, 1841,) have had the same under consideration, and find that a bill has passed this House making all the provisions contemplated by the bill under consideration. They have, therefore, directed me to report the same back to the House, and ask to be discharged from the further consideration thereof;

Which report was concurred in by the House, and the bill laid on the table.

Mr. Brown of M., from the committee of free conference, made the following report :

MR. SPEAKER :

The committee of free conference, to which was referred the disagreement between the two Houses in relation to an amendment of the Senate to bill of this House,

No. 171. An act to amend an act subjecting real and personal property to execution, have had the disagreement under consideration, and have unanimously agreed to the following amendment :

By striking out the word "fifty" in said amendment and inserting "twenty-five," in which the concurrence of the House is respectfully requested ;

Which report was concurred in by the House.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER:

The committee on corporations, to which was referred a bill of the House,

No. 450. Entitled "A bill to incorporate the Dayton Band," have had that subject under consideration, and directed me to report said bill back, with the following amendment, and ask the concurrence of the House :

The members of the institute shall be liable in their individual capacity for all debts contracted during the time of their membership ;

Which amendment was concurred in by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Nees, from the committee on military affairs, made the following report :

MR. SPEAKER:

The committee on military affairs, to whom was referred a bill of the House of Representatives,

No. 250. A bill to incorporate the Lafayette Huzzas, have had the same under consideration, and have directed me to report the same back to the House, with one amendment.

Strike out the 12th section in the bill. They then recommend its passage.

No. 250. An act to incorporate the Lafayette Huzzas, reported back to the House, and the amendment, as made by the committee, concurred in by the House, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Logan, from the committee on agriculture, made the following report :

MR. SPEAKER:

The committee on agriculture, to whom was referred bill of the Senate,

No. 110. Entitled an act to amend an act entitled, "an act to provide for the inspection of salt, beef, flour, pork, and tobacco," (approved February 17th, 1828,) have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

No. 110. An act to amend an act entitled, "an act to provide for the inspection of salt, beef, flour, pork, and tobacco," (approved February 17th, 1838,) mentioned in said report was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of Rush, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the petition of Gabriel McDuffe and others, of the county of Rush, have had that subject under consideration, and have directed me to report the following joint resolution and recommend its passage :

No. 473. A joint resolution suspending the operation of a law therein named;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Millikin, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the bill of the House, No. 465, together with sundry amendments and instructions, have had that subject under consideration, and now report for the action of the House said bill amended, as near as your committee can frame the same, with the instructions given, and ask to be discharged from the further consideration thereof.

The amendment of the committee to No. 465. A bill regulating the per diem allowance of members of the General Assembly of Indiana, was concurred in by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

The House resumed the consideration of the resolution heretofore offered by Mr. Henley.

The question then recurred on Mr. Bower's proposed amendment, to wit:

To instruct the committee to enquire into the expediency.

And the ayes and noes having been demanded by Messrs. Bowers and Thompson:

Those who voted in the affirmative were,

Messrs. Bowers, Brown of White, Butler of R., Butler of Vanderburgh, Carter, Chrisman, Clements, Cuppy, Davis of Madison, Dunn, Edmonson, Edwards, Gilbert, Goodenow, Hodges, Jackson, Huckaby, Johnson, Leslie, Marvin, Mathers, McCormick, Meeker, Millikin, Moore of Floyd, Nees, Nelson, Parker, Patrick, Prilliman, Rich, Shelby, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Wheeler, Williams and Wilson.—43.

Those who voted in the negative were,

Messrs. Brown of D., Brown of M., Butterfield, Campbell, Cooley, Denny, Dufour, Flannegan, Gorman, Hardin, Hargrove, Hawkins, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Matheny, Mooney, Moore of Owen, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Roberts, Rose, Shoup, Simonson, Sluss, Snook, Tingley, Whight and Mr. Speaker—38.

So said motion prevailed.

Then the resolution was adopted by consent.

RESOLUTIONS.

On motion of Mr. Butler of V.,

Resolved, That the committee on the affairs of the State prison inquire into the expediency of reporting to this House, a joint resolution, appointing three members of this Legislature, whose duty it

shall be to meet on a day, to be named, before the first day of Nov. next, at Jeffersonville, and examine into the condition of the State prison, and its affairs generally, and report to the next Legislature, recommending the best mode to be adopted with regard to the building now being built, as well as the discipline to be observed in the further management of said prison.

On motion of Mr. Williams,

Resolved, That the committee on county boundaries, be instructed to inquire into the expediency of establishing the east line of the county of Madison, on the line dividing ranges 8 and 9 east, with leave to report by bill or otherwise.

On motion of Mr. Tevis,

Resolved, That the Secretary of State shall embrace, in the revision of our laws, as an appendix, an abbreviated statement of the decisions of our Supreme Court, and hand over the same to the public printer.

Mr. Meeker offered the following resolution :

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of establishing a branch of said bank at Connersville, Fayette county, Indiana.

Mr. Shoup moved to strike out "Connersville," and insert "Summerset," which did not prevail.

Mr. Gorman moved to lay the resolution on the table,

Which prevailed.

On motion of Mr. Simonson,

Resolved, That the Senate be respectfully requested to appoint a committee of free conference, to compromise the matter in dispute between the two Houses, in regard to a joint resolution, instructing our Senators, and requesting our Representatives, in Congress, to use their exertions, to procure the passage of an act, refunding the fine imposed on General Jackson, in 1815. And that the Principal Clerk of this House notify the Senate of the adoption of this resolution.

On motion of Mr. O'Neal,

Resolved, That the thanks of this House be *unanimously* tendered to the Hon. Thomas J. Henley, for the ability, dignity, and impartiality with which he has discharged the duties of Speaker of this House, during the present session.

On motion of Mr. Henley,

(Mr. Brown of Marion in the chair,)

Resolved, That the Treasurer of State be authorized to deliver to each of the members of this General Assembly and officers, two State bonds, with the coupons attached ; one of each of the descriptions of sterling and dollar bonds, so mutilated as to prevent them being again put in circulation ; and that he be directed to transmit to each of the clerks of the circuit courts of this State, one of said bonds, to be framed by said clerk, and suspended by him in some conspicuous place in his office, as an ever present memento of Indiana's recklessness and folly.

Mr. Clements introduced the following joint resolution :

No. 475. A joint resolution to provide for the distribution of the laws and journals ;

Read a first and second times,

When Mr. Whight moved to amend by striking out all of that part of the joint resolution, that authorizes the Secretary of State to have any part of the revision printed with the General Laws, passed at this session of the General Assembly ;

Which was adopted.

Then the rule was suspended, the joint resolution considered as engrossed, and

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. Cuppy :

No. 476. A bill to reduce the per diem allowance to members of the General Assembly ;

Read a first and second times,

When Mr. Tingley moved to amend, by striking out "three dollars," for Speaker of the House of Representatives, and President of the Senate, and insert "one dollar and fifty cents."

Then, on motion,

The bill and pending amendment

Were referred to the committee on the affairs of the town of Indianapolis.

By Mr. Tevis :

No. 477. A bill for the relief of a certain person therein named ;

Read a first and second times,

When Mr. Hargrove moved to lay the bill on the table ;

And the ayes and noes having been demanded by Messrs. Tevis and Matheny,

Those who voted in the affirmative were,

Messrs. Bales, Brown of D., Campbell, Claypool, Cooley, Dufour, Dunn, Francis, Fuller, Goodenow, Gorman, Harding, Hargrove, Hillis, Hodges, Huckaby, Jones, Leslie, Lewis, Lingle, Logan, Matheny, Meeker, Moony, Moore of F., Moore of O., Nelson, O'Neill, Osborn, Patrick, Parker, Proctor, Real, Rich, Roberts, Shoup, Sluss, Stewart, Strain, Summers, Sumner, Swihart, Thompson, Whight, and Wilson—45.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of M., Brown of R., Butler of R., Butler of V., Butterfield, Carter, Cuppy, Denny, Edwards, Edmonson, English, Flannegan, Gilbert, Jackson, Johnson, Lee, Lowe,

Marvin, Mathers, Millikin, Myers, Nees, Peak, Prilliman, Rose, Shelby, Simonson, Steele, Tevis, Tingley, and Mr. Speaker—32.

So said bill was laid on the table.

By Mr. Whight :

No. 478. A bill authorizing justices of the peace, in the several counties therein named, to perform the duties of overseers of the poor ;

Read a first and second times,

Wen, on motion,

The bill was amended, by extending its provisions to the counties of "Harrison, Putnam, Floyd, Delaware, and Orange."

Mr. Carter moved to refer the bill to a select committee, with instructions "to make it a general law."

Mr. Edwards moved to except the county of Crawford.

Mr. Lowe moved to except the county of Rush.

The counties of Posey, Lawrence, Wabash, and Clay were also excepted from the provision of said bill.

Mr. Shoup moved to lay the bill and pending amendments on the table.

Which motion prevailed.

On motion of Mr. Whight,

Bill No. 37, of the Senate, was taken from the table ; when

Mr. Simonson moved to amend by striking out from the enacting clause and inserting a new bill ;

Which was adopted.

Then, on motion, the bill was amended as follows : add after the word "township," in the 5th line, "in the counties of Pike, Allen, Gibson, Owen, Cass, Greene, Madison, Floyd, Whitley, Delaware, Harrison, Fountain, Putnam, Huntington, Wells, Blackford, Montgomery, and Scott.

Then the bill was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Gorman :

No. 479. A bill to repeal a part of the 5th section of an act, entitled, "an act to incorporate the Indiana iron company ;"

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Moore of O.,

No. 480. A bill to provide for the reception of certain treasury notes, in payment of interest and principal to the sinking fund ;

Read a first and second times, and

Referred to the committee on the State Bank.

Mr. Hillis moved to re-consider the vote taken on the reference of bill No. 476.

And the ayes and noes having been demanded by two members,

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Butler of Randolph, Butterfield, Campbell,

Chrisman, Claypool, Cuppy, Dufour, Flannegan, Foulke, Goodenow, Hiatt, Hillis, Hodges, Huckaby, Johnson, Jackson, Lewis, Logan, Major, Mathers, Meeker, Moore of F., Moore of O., Nees, Nelson, Osborn, Parker, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Steele, Stewart, Strain, Sluss, Summers, Thompson, and Whight—45.

Those who voted in the negative were,

Messrs. Brown of M., Brown of R., Clements, Carter, Cooley, Davis of M., Dunn, Edmonson, Edwards, English Francis, Fuller, Gilbert, Harding, Hargrove, Jones, Lee, Leslie, Lingle, Lowe, Moony, Norvell, O'Neill, Prilliman, Simonson, Snook, Swihart, Tevis, Tingley, Williams, and Wilson—31.

So said vote was re-considered.

The question recurring on the reference of the bill to the committee on the affairs of the town of Indianapolis;

Which was decided in the negative.

Mr. Simonson moved to amend as follows:

Strike out "two dollars," and insert "one dollar and twenty-five cents;"

Which was not adopted.

Mr. Roberts moved the previous question;

Which was not seconded by the House.

Without any definite action being had on said bill,

The House adjourned till half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

Mr. English, on leave, introduced bill

No. 481. A bill to repeal an act therein named, approved Jan. 14, 1837, to provide for the election of a justice of the peace in Owen county, and for other purposes;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Robinson moved a call of the House;

The clerk proceeded to call the roll, when it appeared that the absentees were,

Messrs. Butterfield, Coffin, Hawkins, Lowe, Mitchell, Parker, Sluss, Thompson, Bradley and Montague.

On motion of Mr. Francis,

Mr. Bradley was excused on account of ill health.

On motion of Mr. Hillis,

Mr. Montague was also excused for the same cause.

On motion,

The further call of the House was suspended.

Mr. Robinson moved to resume the consideration of bill No. 476;
And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Butler of Randolph, Butler of Vanderburgh, Campbell, Chrisman, Claypool, Cooley, Cuppy, Dufour, English, Flannegan, Foulke, Gilbert, Goodenow, Hardin, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Logan, Major, Matheny, Mathers, Meeker, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Snook, Steele, Strain, Summers, Sumner, Thompson, Wheeler, Williams and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Bales, Brown of Dearborn, Brown of Marion, Carter, Clements, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Francis, Fuller, Gorman, Hargrove, Jones, Lee, Leslie, Lewis, Lingle, Marvin, McCormick, Millikin, Patrick, Prilliman, Simonson, Stratton, Swihart, Tevis, Tingley, Whight, and Wilson—31.

So said motion was decided in the affirmative.

The question then recurred on the amendment as offered by Mr. Tingley;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Marion, Butler of R., Butterfield Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, English, Flannegan, Foulk, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Johnson, Lee, Leslie, Lewis, Logan, Major, Marvin, Meeker, Millikin, Mooney, Moore of F., Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Summers, Sumner, Swihart, Thompson, Tingley, Wheeler, Whight, Williams, Wilson and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Bales, Butler of V., Carter, Edmonson, Francis, Gorman, Jackson, Jones, Lingle, Matheny, Mathers, McCormick, Patrick, Prilliman, Stratton and Tevis—16

So said amendment was adopted.

Mr. Leslie moved to amend the bill as follows:

"That the pay of the members of the present General Assembly shall be made agreeably to the provisions of this act."

Mr. Tevis moved the previous question;

Which was not seconded by the House.

Mr. Stratton moved to amend by adding the following proviso:

"*Provided*, That the provisions of this bill shall not extend to any except those who voted for the proposition, nor shall it extend to any members who have received their full pay and gone home;"

Mr. Brown of M. moved to lay the bill and pending amendments on the table;

And the ayes and noes having been demanded by Messrs. Clements and Matheny:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Carter, Davis of Madison, Dunn, Edmonson, Flannegan, Francis, Hardin, Jackson, Johnson, Jones, Lewis, McCormick, Millikin, Prilliman and Proctor—17.

Those who voted in the negative were,

Messrs. Baker, Bowers, Brown of Marion, Brown of White, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Clements, Cooley, Cuppy, Denny, Dufour, Edwards, English, Foulk, Gilbert, Goodenow, Hargrove, Hillis, Hodges, Huckaby, Lee, Leslie, Lingle, Logan, Major, Marvin, Matheny, Mathers, Meeker, Mooney, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Williams—63.

So said motion did not prevail.

Mr. Chrisman moved the previous question;

And the ayes and noes were demanded by two members:

Whereupon, arose a point of order "whether the ayes and noes could be demanded on the call for the previous question;"

The Speaker (Mr. Robinson in the chair) decided the motion in order;

Mr. Brown of M. appealed from the decision of the chair;

The question then recurring, shall the decision of the chair be the judgment of the House?

And on that question the ayes and noes were demanded by Messrs. Brown of M. and Hillis:

Those who voted in the affirmative were,

Messrs. Baker, Chrisman, Cooley, Cuppy, Dufour, Goodenow, Logan, Matheny, Nees, Norvell, Real, Rich, Roberts, Strain, Swihart, Tevis, Tingley, Whight and Williams—18.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Marion, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Clements, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Foulk, Fuller, Hardin, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Johnson, Jones, Lee, Leslie, Lewis, Major, Marvin, Mathers, McCormick, Meeker, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nelson, O'Neal, Osborn, Patrick, Peak, Proctor, Rose, Shelby, Shoup, Simonson, Sluss, Steele, Stratton, Summers, Sumner, Thompson, Wheeler and Wilson—56.

So the decision of the chair was reversed.

The question then recurred on the call of the previous question;

Which was seconded by the House.

The question being, shall the main question be now put?

And the ayes and noes having been demanded by Messrs. Chrisman and Moore of O.:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Rush, Butler of Vanderburgh, Butterfield, Chrisman, Cooley, Cuppy, Davis of Madison, Denny, Dufour, English, Goodenow, Hodges, Huckaby, Johnson, Lee, Lingle, Logan, Major, Matheny, Mathers, Meeker, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, Osborn, Parker, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Snook, Steele, Strain, Summers, Sumner, Tevis, Thompson, Tingley, Wheeler, Whight and Williams—50.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Brown of M., Butler of Randolph, Campbell, Carter, Claypool, Clements, Dunn, Edmonson, Edwards, Flannegan, Francis, Foulke, Fuller, Gilbert, Gorman, Hardin, Hargrove, Hiatt, Hillis, Jackson, Jones, Leslie, Lewis, Lowe, Marvin, McCormick, Millikin, O'Neal, Patrick, Peak, Simonson, Sluss, Stratton, Swihart, Wilson and Mr. Speaker—38.

So the main question was ordered to be put.

The Speaker announced the question to be, shall the bill be engrossed for a third reading?

And the ayes and noes having been demanded by Messrs. Chrisman and Claypool:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Dearborn, Brown of Rush, Butler of Vanderburgh, Butterfield, Campbell, Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, English, Foulk, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hodges, Huckaby, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Major, Marvin, Matheny, Mathers, Meeker, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, Osborn, Parker, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Snook, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Wheeler, Whight, Williams, and Wilson—70.

Those who voted in the negative were,

Messrs. Bales, Brown of Marion, Butler of Randolph, Carter, Clements, Edmonson, Flannegan, Francis, Hillis, Jackson, Jones, O'Neal, Patrick, Peak and Prilliman—14.

So said bill was ordered to be engrossed.

On motion of Mr. Shoup,

Bill No. 436. An act concerning State roads, was taken from the table;

When Mr. Shoup moved to add the following section:

Sec. —. It shall be the duty of the public printer to print in pamphlet form 2,500 copies of this act; and, also, so much of the revision as relates to public roads and highways, with as little delay as possible, for the use of supervisors and their successors in office:

It shall be the duty of the Secretary of State to have the same distributed among the several counties without delay;

This act to be in force from and after its passage;

Which was not adopted.

Mr. Brown of *M.* offered an additional section;

Which was adopted.

Mr. Leslie offered an additional section;

Which was adopted.

Mr. Bowers moved to amend as follows:

Amend section 41 by adding,

“Upon the most suitable and direct route, having due regard to private property as well as public good, taking into consideration the labor already done on the present county road running in that direction;

Which was adopted.

Mr. Shoup offered an additional section;
Which was adopted.

On motion of Mr. Edmonson,
The rule was suspended;
The bill considered as engrossed;
Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Gregory a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed bill No. 189, entitled "of the canals, railroads, and turnpikes belonging to the State in whole or in part, being a portion of the revision;

In which the concurrence of the *House* is requested.

No. 189. A bill mentioned in said message, was

Read a first and second times and referred to a committee of the whole House, and made the order of the day, for to-morrow at 2 o'clock, P. M.

The following message was received from the Senate by Mr. Harris a Senator:

MR. SPEAKER:

The Senate has passed without amendment the following engrossed bill of the House of Representatives:

No. 205. An act to amend an act entitled "an act to authorize the leasing of water power at the town of Pittsburgh, and for other purposes," approved Jan. 31st, 1842.

On motion of Mr. Edwards,

The House resolved itself into a committee of the whole House;

With Mr. Edwards in the chair,

On bill No. 466, concerning the jurisdiction of justices of the peace;

And after having spent some time therein, the committee rose, and through its chairman, reported that they had made several amendments to said bill, and asked the concurrence of the House therein, and leave to sit again;

Which amendments were concurred in generally by the House.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have examined bill No. 66, an act amendatory of an act entitled "an act to authorize the building of a

towing path bridge across the Wabash river at Carrollton, in Carroll county, and for other purposes," approved Jan. 31st, 1842; and find the same correctly enrolled.

Whereupon, the Speaker signed said bill.

Ordered, That the Clerk inform the Senate thereof.

On motion,

The House adjourned till to-morrow morning half past 8 o'clock.

WEDNESDAY MORNING, FEB. 8, 1843.

The House met pursuant to adjournment.

Mr. McCormick moved to take from the files, bill

No. 412. A bill supplemental to an act entitled "an act providing for the relocation of the seat of justice of Crawford county, and for other purposes;

And the ayes and noes having been demanded by Messrs. Edwards and Norvell:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of D., Brown of Marion, Brown of Rush, Butler of Randolph, Butterfield, Campbell, Carter, Claypool, Clements, Coffin, Cuppy, Davis of M., Dufour, Dunn, Edmonson, Flannegan, Gilbert, Goodenow, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Jones, Lee, Leslie, Lingle, Marvin, Matheny, Mathers, McCormick, Mooney, Moore of F., Myers, Nees, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Rose, Shoup, Snook, Stewart, Summers, Swihart, Whight and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Edwards, Foulke, Hodges, Huckaby, Jackson, Lewis, Logan, Major, Meeker, Moore of O., Nelson, Norvell, Rich, Robinson, Shelby, Simonson, Sluss, Steele, Strain and Stratton—20.

So said bill was taken from the files and read a second time.

The question then recurring,

"Shall the bill be engrossed for a third reading?"

And the ayes and noes having been demanded by Messrs. Edwards and Wilson:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butler of R., Campbell, Carter, Claypool, Clements, Cuppy, Dufour, Gilbert, Goodenow, Gorman, Hawkins, Hillis, Jackson, Leslie, Marvin, Matheny, Mathers, McCormick, Mitchell, Montague, Moore of F., Myers, Norvell, Parker, Prilliman, Proctor, Roberts, Shoup, Stewart, Whight, Williams and Wilson.—33.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of M., Brown of Rush, Butler of V., Butterfield, Chrisman, Cooley, Davis of M., Denny, Dunn, Edwards, Foulke, Hardin, Hargrove, Hiatt, Hodges, Johnson, Lee, Lewis, Lingle, Logan, Lowe, Major, Meeker, Millikin, Mooney, Moore of O., Nelson, O'Neal, Osborn, Peak, Real, Rich, Robinson, Rose, Shelby, Simonson, Snook, Sluss, Steele, Strain, Stratton, Summers, Swihart, Thompson and Wheeler.—48.

So said bill failed on its engrossment.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof entitled,

No. 104. An act to incorporate the Darlington company ;

In which the concurrence of the House of Representatives is respectfully requested.

No. 104, (of the Senate,) mentioned in said message was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Wilson, on leave, introduced the following bill :

No. 483. A bill to require the bank to continue specie payment, and to enable it to maintain it ;

Read a first and second times and referred to the committee on the State Bank.

The Speaker laid before the House the following communication from His Excellency, the Governor :

EXECUTIVE DEPARTMENT, }
 February 8th, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives:

In answer to a resolution of the House I transmit a communication from the Quarter Master General relative to the public arms.

I am, sir,

Yours, most respectfully,

SAMUEL BIGGER.

On motion,

Said communication was laid on the table.

The Speaker laid before the House the following communication from N. B. Palmer, Bank Examiner, in relation to the State Bank of Indiana :

Hon. T. J. Henley,

Speaker of the House of Representatives:

Please lay before the House the following communication and oblige
 Your obedient servant,

N. B. PALMER,

Examining Agent of the State Bank.

Feb. 7th, 1843.

Mr. Gorman moved to lay the communication on the table, and that five hundred copies be printed for the use of the members of this House ;

And the ayes and noes having been demanded by Messrs. Gorman and Huckaby :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Dearborn, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Dufour, Edmonson, English, Gilbert, Gorman, Hardin, Hillis, Jackson, Johnson, Jones, Lewis, Lingle, Lowe, Major, Marvin, Matheny, McCormick, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Proctor, Rich, Roberts, Robinson, Rose, Shoup, Simonson, Snook, Stewart, Stratton, Summers, Tingley, Wilson and Mr. Speaker.—59.

Those who voted in the negative were,

Messrs. Bradley, Denny, Dunn, Edwards, Flannegan, Foulke, Francis, Hiatt, Hodges, Huckaby, Lee, Logan, Mathers, Mitchell, Parker, Patrick, Shelby, Sluss, Steele, Strain, Sumner, Swihart, Thompson, Whight and Williams.—26.

So said motion prevailed.

The Speaker laid before the House the following communication from Morris Morris, Auditor of State :

AUDITOR'S OFFICE, }
Indianapolis, Feb. 7th, 1843. }

Hon. T. J. Henley,

Speaker of the House of Representatives :

Please lay before the House the enclosed letter from the Comptroller of the State of New York, on the subject of tools on the Wabash and Erie canal.

Respectfully,
M. MORRIS.

Which communication was referred to the committee on canals and internal improvements.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am instructed to inform the House of Representatives that the Senate have passed engrossed bill thereof,

No. 158. Entitled an act amendatory of an act for the completion of the Wabash and Erie canal from the mouth of the Tippecanoe river to Terre Haute, (approved January 1st, 1842,) in which the concurrence of the House of Representatives is respectfully requested.

No. 158, (of the Senate,) mentioned in said message was read three several times ; when the question recurred,

"Shall the bill pass ?"

And the ayes and noes having been demanded by Messrs. Shoup and McCormick :

Those who voted in the affirmative were,

Messrs. Bales, Bradley, Brown of Marion, Butler of Vanderburgh, Carter, Chrisman, Clements, Coffin, Davis of M., Denny, Dunn,

Flannegan, Francis, Gorman, Hardin, Hawkins, Hiatt, Hillis, Hodges, Johnson, Lee, Marvin, McCormick, Mitchell, Mooney, Moore of F., Moore of Owen, Nees, Nelson, O'Neal, Parker, Patrick, Real, Roberts, Robinson, Rose, Shelby, Snook, Steel, Stewart, Strain, Swihart, Tevis, Thompson, Tingley and Williams.—47.

Those who voted in the negative were,

Messrs. Baker, Brown of Dearborn, Brown of Rush, Butler of Randolph, Claypool, Cooley, Dufour, Edmonson, Foulke, Goodenow, Huckaby, Jackson, Lewis, Logan, Lowe, Major, Mathers, Meeker, Millikin, Montague, Myers, Norvell, Osborn, Peak, Proctor, Rich, Shoup, Simonson, Stratton, Summers, Wheeler, Whight, Wilson and Mr. Speaker.—33.

So said bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have examined bills of the House to-wit :

No. 216. An act to incorporate the Spring Creek Academy.

No. 189. An act to incorporate the Columbus band of musicians.

No. 380. A joint resolution on the subject of counting and cancelling State Bonds that have been cancelled.

No. 365. An act for the improvement of the Fort Wayne and South Bend State road so far as the same passes through Elkhart county.

No. 390. An act to locate a State road in Orange county.

No. 245. An act amendatory to an act entitled, "an act to incorporate the town of Cambridge city," (approved February 12th, 1841.)

No. 385. An act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes.

No. 143. An act to divide the State into Congressional districts.

No. 433. An act to legalize the mill dam now erected across the Salamonie river, owned by Robert and Michael English.

No. 125. An act to amend an act entitled, "an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company; also,

No. 438. A joint resolution supplemental to a joint resolution providing for ascertaining the amount due contractors and laborers on the Madison and Indianapolis railroad, (approved January 28th, 1843,) and find them correctly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have examined the following bills, to-wit :

No. 224. An act to incorporate the Marion band in Grant county.

No. 400. An act relative to the county seminary and Laporte University buildings, in Laporte county.

No. 393. An act to authorize the erection of dams and locks in Elkhart river.

No. 379. An act to extend an act entitled, "an act for a more uniform mode of doing township business in the several counties therein named, (approved February 17th, A. D. 1838,) to Kosciusko county."

No. 209. An act to vacate the town of Marion in Lagrange county.

No. 208. A joint resolution relating to delinquent lands in Kosciusko, Whitley, Elkhart, Porter and Lake counties.

No. 59. An act to amend an act therein named.

No. 401. An act to locate a certain State road therein named.

No. 431. An act to extend the provisions of an act therein named to the counties of Huntington and Wells.

No. 384. An act for the relief of James Gee and Abigail Gee, of Huntington county.

No. 306. A preamble and joint resolution in reference to the Mississippi trade, and find said bills and joint resolutions correctly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

The following message was received from His Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 7th inst. he approved and signed the following acts :

No. 237. An act to locate a State road in the county of Greene.

No. 226. An act to vacate the town of New Lexington, in Grant county.

No. 136. An act reducing the expenses of the county of Porter, and for selecting petit jurors therein.

No. 159. An act to change the name of Henry Harrison Collins, of Greene county.

No. 378. An act relative to school taxes in Noble and Lagrange counties.

No. 66. An act amendatory of an act entitled, "an act to authorize the building of the towing path bridge across the Wabashriver at Carrollton, in Carroll county, and for other purposes," (approved January 31st, 1842.)

Mr. Roberts, on leave, introduced the following bill :

No. 484. Entitled an act for the relief of Putnam county ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool presented the remonstrance of 78 citizens of Fayette county against the repeal of a law commonly called the "dog law ;"

Which was referred to the same select committee to which that subject had heretofore been referred.

The House took up the following message from the Senate, which was received by Mr. Maguire their Principal Secretary :

MR. SPEAKER:

The Senate has passed without amendment, engrossed bills of the House of Representatives ;

No. 206. An act to extend the jurisdiction of justices of the peace and constables in certain cases therein named ;

No. 219. A joint resolution relative to the valuation of mills and manufactures propelled by water power ;

No. 203. An act amendatory to an act entitled, "an act appointing commissioners to locate and relocate State roads therein named, and for other purposes," (approved January 31st, 1842 ;)

No. 188. An act for the relief of David Matlock, road commissioner of Hendricks county ;

No. 27. An act relating to the summoning petit jurors in Sullivan county ;

No. 296. An act to change a certain State road in the county of Rush ;

No. 236. An act to amend an act entitled, "an act to incorporate the Hagerstown canal company ;

No. 248. An act to change the time of holding probate courts in the county of Vigo ;

No. 249. An act for the relief of the tax payers of Franklin township, Washington county ;

No. 231. An act in relation to the three per cent. fund in Monroe county ;

No. 259. An act to extend the time for the treasurer of Clinton county to distrain property for the non-payment of taxes ;

The Senate has also passed a bill thereof entitled,

No. 204. An act to amend an act entitled, "an act prescribing the duties of county auditor," (approved February 12th, 1841 ;)

In which the concurrence of the House is requested.

No. 204, (of the Senate,) mentioned in said message was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Harris, a Senator :

MR. SPEAKER:

I have been directed to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

No. 188. An act to amend an act entitled, "an act granting the citizens of Madison and Lawrenceburgh a city charter ;"

In which the concurrence of the House is respectfully requested.

No. 188, (of the Senate,) mentioned in said message was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled,

No. 221. A joint resolution for the relief of Andrew Wilson, commissioner of the French Lick Reserve in Orange county ;

No. 233. An act for the relief of William F. Lane and Gideon Lane, of Tippecanoe county ;

No. 283. An act to open the Bloomington and Salem road ;

No. 239. An act to incorporate the Vevay band of musicians ;

No. 417. An act in relation to canal land patents ;

Also, engrossed bills, with amendments, entitled,

No. 192. An act for the relief of N. Burchfield ;

No. 217. An act in relation to the letting of water power by the State of Indiana ;

In which the concurrence of the House of Representatives is respectfully requested.

The Senate has concurred in the report of the committee of free conference in relation to the disagreement between the two Houses in reference to bill of the House,

No. 171. An act to amend an act subjecting real and personal property to execution.

The amendments of the Senate to engrossed bills of the House Nos. 192 and 217, were concurred in by the House.

The following message was received from the Senate by Mr. Sands, a Senator :

MR. SPEAKER;

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof entitled,

No. 196. An act to revive and amend an act entitled, "an act to incorporate the Crawford county library;"

In which the concurrence of the House is respectfully requested.

No. 196, (of the Senate,) mentioned in said message, was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed without amendment, engrossed bills of the House, entitled:

No. 374. An act for the relief of Kinney, Wright and Gookins;

No. 409. An act to authorize the building of a bridge across the canal at Logansport;

No. 415. An act for the relief of purchasers of Seminary lands in Monroe county;

No. 420. An act regulating elections in the county of Shelby;

No. 423. An act to amend an act entitled "an act to organize the Militia of the State of Indiana, approved Feb. 10th 1831, approved Jan. 31st, 1843;

No. 435. An act to locate a State road in DeKalb and Noble counties;

No. 445. An act declaring a certain county road a State road in the county of Clay;

No. 446. An act to continue in force a certain act therein named;

No. 479. An act to repeal a part of the 5th section of an act entitled "an act to incorporate the Indiana Iron Manufacturing company;

Also, joint resolutions, entitled as follows:

No. 440. A joint resolution for the benefit of James McLean of Parke county, Indiana, a deaf and dumb person;

No. 462. A joint resolution in reference to the reduction of the rates of letter postage;

The Senate has passed with amendments, engrossed bills of the House of Representatives, entitled as follows:

No. 303. An act to confine the voters of certain counties therein named to their respective townships;

No. 411. An act for the relief of the board doing county business in the county of Clay;

No. 416. An act to repeal a certain act therein named, so far as the same relates to the county of Switzerland;

No. 472. An act to amend an act entitled "an act to provide a more uniform mode of doing township business in the several counties therein named, approved Feb. 17th, 1838;

In which amendments I am directed to request the concurrence of the House of Representatives.

The amendment of the Senate to engrossed bill of the House No. 303. Mentioned in said message was not concurred in by the House.

The amendments of the Senate to engrossed bills of the House Nos. 411, 416, and 472, were concurred in by the House.

The House took up the following message, which was received from the Senate by *Mr. Maguire* their Principal Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills thereof entitled as follows, viz:

- No. 105. An act for the relief of Cornelius Ferree;
- No. 178. An act to provide for the improvement of the Wabash river;
- No. 190. An act to locate a State road therein named;
- No. 192. An act to authorize M. and T. English to build a bridge across the Wabash river in Wabash county;
- No. 100. An act for the relief of Cooper and Buchanan;
- No. 191. An act appointing commissioners to locate a certain State road therein named;
- No. 194. An act authorizing a change in the location of a part of a certain State road therein named;
- No. 113. An act to authorize the school commissioners of St. Joseph county to recover certain lands to Betsy Sherwood;
- No. 195. An act to establish a board of trustees for the county library in Marion county;
- No. 193. An act to legalize the survey of a certain State road therein named;

In which several bills of the Senate the concurrence of the House is respectfully requested.

The Senate has concurred in the amendment of the House of Representatives to bill of the Senate,

No. 137. An act to authorize the purchase of land for water power in the town of Logansport.

No. 105. (Of the Senate) mentioned in said message, was Read a first and second times; when

Mr. Brown of M. moved to amend the bill by adding the following:

"That the Secretary, Treasurer and Auditor be, and they are hereby authorized in their discretion to fix and reduce the annual amount of water rent to the lessees on said canal, in Marion county, if they in their sound discretion believe that such reduction will be warranted by justice."

Mr. Shoup moved to indefinitely postpone said bill;

Mr. Whight moved the previous question on the motion to postpone;

Which was seconded by the House.

The question then recurring on the motion to indefinitely postpone;
And the ayes and noes having been demanded by Messrs. Matheny
and Whight:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Butterfield, Chrisman, Clements, Cooley, Denny, Dufour, Edmonson, Edwards, English, Foulk, Francis, Goodenow, Hargrove, Hiatt, Huckaby, Lewis, Lowe, Marvin, Mathers, Meeker, Millikin, Montague, Mooney, Moore of F., Myers, Norvell, Osborn, Peak, Proctor, Rich, Roberts, Shoup, Stratton, Tevis and Wilson—40.

Those who voted in the negative were,

Messrs. Brown of Marion, Brown of Rush, Campbell, Carter, Coffin, Davis of M., Dunn, Flannegan, Gilbert, Hardin, Hillis, Hodges, Jackson, Johnson, Jones, Logan, Lee, Major, Matheny, McCormick, Mitchell, Moore of O., Nees, Nelson, O'Neal, Parker, Real, Robinson, Rose, Shelby, Simonson, Snook, Steele, Stewart, Strain, Swihart, Thompson, Tingley, Whight, Williams and Mr. Speaker.—41.

So said motion did not prevail.

The question then recurred on the amendment as offered by Mr. Brown of M.;

Which was adopted.

Then the question recurred, shall the bill pass to a third reading on to-morrow?

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Carter, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Flannegan, Gilbert, Gorman, Hardin, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Lingle, Matheny, McCormick, Mitchell, Moore of Owen, Nees, Nelson, O'Neal, Parker, Real, Robinson, Rose, Shelby, Snook, Steele, Stewart, Strain, Swihart, Tevis, Tingley. Whight Williams and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Baker, Bowers, Bradley, Brown of Dearborn, Butler of Vanderburgh, Butterfield, Claypool, Clements, Cooley, Dufour, Edmonson, Edwards, English, Foulk, Francis, Goodenow, Hargrove, Huckaby, Lewis, Logan, Lowe, Major, Marvin, Mathers, Meeker, Milli-

kin, Montague, Mooney, Moore of F., Myers, Norvell, Osborn, Peak, Proctor, Rich, Roberts, Shoup, Simonson, Stratton and Wilson.—40.

So said bill was ordered to a third reading on to-morrow.

No. 178. (Of the Senate) mentioned in said message, was
Read a first time and passed to a second reading on to-morrow.

No. 192. Mentioned in said message, was

Read a first and second times and referred to a select committee of
Messrs. Carter, Swihart and Robinson.

No. 130. Mentioned in said message, was

Read a first and second times, and

On motion of Mr. Gorman,
Indefinitely postponed.

Nos. 190, 191, 194, 113, 195, and 193. *Mentioned in said message;*

Were severally read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moore of F., on leave, introduced joint resolution

No. 485. A joint resolution reviving an act therein named;

Read a first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr.
Wright a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed Part IV, of the revision, entitled "a bill concerning crimes and punishment and proceedings in criminal cases, No. 197;"

Also, bill No. 198. Entitled, Chapter — of the repeal of Statutes and general provisions concerning the Revised Statutes;

In which the concurrence of the House is respectfully requested.

Nos. 197 and 198. Mentioned in said message, were

Read a first and second times and referred to a committee of the whole House and made the order of the day for this day at 2 o'clock, P. M.

Mr. Norvell, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred the petition of sundry citizens of Clay county, relative to the revision of the school laws, and requesting certain changes, &c, have had the same under consideration, and are under the impression that the changes requested are provided for in the revision.

Also, sundry resolutions and petitions, proposing changes to the school laws, some of which are provided for in the revision of the school laws, and some of which we report back as inexpedient to le

gislate on at this time, and wish to be discharged from the further consideration thereof;

Which report was concurred in by the House.

Mr. Norvell, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred bills No. 461, and 452, the former to establish an asylum for the education of the deaf and dumb persons in the State of Indiana, the latter a bill to provide for the education of the deaf and dumb, have had the same under consideration, and instructed me to report the same back with some amendments and recommend their passage:

No. 452. A bill to provide for the education of the deaf and dumb;

No. 461. A bill to establish an asylum for the education of the deaf and dumb persons in the State of Indiana, mentioned in said report;

Were reported back to the House, and ordered to be engrossed for a third reading on to-morrow.

On motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Baker,

The communication heretofore made by the Governor to this House, was taken from the table, and

Referred to the committee on military affairs.

The following message was received from the Senate by Mr. Ewing a Senator:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution:

Resolved, That the House of Representatives be requested to transmit back to the Senate a bill entitled "an act to modify the power to sell or remove the public county buildings in the county of Knox," to which an amendment was added by the House and reported back as having been concurred in: this request is made for reconsideration.

On motion of Mr. Myers,

Resolved, That the clerk of this House be directed to return a bill providing for the sale of certain public buildings in Knox county back to the Senate as requested by a message from that body this morning.

Mr. Hodges, on leave, introduced the following bill:

No. 486. Entitled an act to provide for the loaning of the school funds in Vigo county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the House No. 16, regulating the rate of interest on bonds issued by the board of commissioners of Cass county, have had the same under consideration, and have directed me to report the same back to the House and recommend that it be laid on the table.

Which report was concurred in by the House, and the committee discharged.

Mr. Carter, from a select committee, reported back to the House joint resolution

No. 464. Entitled a joint resolution in regard to pre-emptioners; which was

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of M., chairman of the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred a bill of the House to authorize the agent of State to sign off under the bankrupt act for the discharge of Worram & Houghwout, or either of them, have had the subject under consideration and have directed me to report,

No. 160. (Of the Senate) entitled "a bill to authorize the agent of State to sign off under the bankrupt act for the discharge of Worram & Houghwout, or either of them;"

Mentioned in said report, reported back to the House;

Read a third time and passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Bowers, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill No. 157, of the Senate, entitled "a bill to incorporate and establish in the city of Madison an institution for the dissemination and promotion of the medical and associate sciences," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage;

No. 157. (Of the Senate) a bill to incorporate and establish in the city of Madison an institution for the dissemination and promotion of the medical and associate sciences; reported back to the House,

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brown of M., chairman of the judiciary committee, made the following report:

MR. SPEAKER:

The committee on the judiciary to which was referred the petition of Philip Leary and others, praying relief, have had that subject under consideration, and have directed me to report that in their opinion, they cannot constitutionally grant the relief prayed for, and ask to be discharged from the further consideration of the subject;

Which report was concurred by the House.

Mr. Brown of D., chairman of the committee on the State Bank, made the following report:

MR. SPEAKER:

The committee on the State Bank have considered the bill referred to them, entitled "a bill for the reception of certain Treasury Notes in payment for interest and principal to the sinking fund," and report, that the fund in the bill mentioned is pledged, first, as security for the bonds issued to raise capital that has been invested in Bank stock, and secondly, to secure the payment of the Treasury Notes delivered to the Bank under an act of the last session of the Legislature, in satisfaction of the claim for advances to the canal commissioners, the committee believes the passage of the bill would violate those pledges, and therefore report back the bill, recommending that it be indefinitely postponed.

Which report was concurred in by the House.

Mr. Lowe, chairman of the committee on claims, made following report:

MR. SPEAKER:

The committee on claims to whom was referred sundry claims against the State have had the different matters therein contained un-

der consideration, and have directed me to report the following sections and ask that they be incorporated in the specific appropriation bill;

No. 487. In relation to specific allowances;

Read a first and second times and referred to a committee of the whole House and made the order of the day now.

Mr. O'Neal, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 181, of the Senate, entitled "an act to authorize the erection of a mill dam across White river, in Jackson county," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage;

No. 181. (Of the Senate) mentioned in said report, was

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. O'Neal, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 140, of the Senate, entitled "an act authorizing Richard Palmer to build a mill dam across White river, in Daviess and Knox counties," have had the same under consideration, and have directed me to report the same back to the House with sundry amendments, and ask to be discharged from the further consideration thereof;

Mr. Moore of Owen dissenting;

The amendments mentioned in said report as made by the committee, were concurred in by the House;

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Millikin, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred a resolution directing an inquiry into the expediency of changing the time of holding courts in the fourth judicial circuit, have had the same under consideration and have directed me to report, that the committee cannot agree on any alterations in the time of holding courts in said circuit, and ask to be discharged from the further consideration of the subject;

Which report was concurred in by the House, and the committee discharged.

Mr. Whight, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred bill of the House, No. 471. A bill regulating the jurisdiction of justices of the peace in the county of Pike, have had that subject under consideration and find the subject of the bill fully provided for in the revision, and report the bill back to the House, and ask it to be laid on the table, and ask to be discharged from the further consideration thereof.

A. T. WHIGHT,
Chairman.

Which report was concurred in by the House.

Mr. Hillis, from a select committee, reported back to the House bill, No. 330. A bill in relation to the White river bridge in Marion county, with the following amendment :

The said Wilson shall not be required to surrender said bridge until the amount found due to him on settlement with the auditor shall be paid ;

Which amendment was concurred in by the House, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Nees, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the petitions and remonstrances of sundry citizens of the county of Clay, on the subject of a relocation of the seat of justice in said county, have had the same under consideration, and directed me to report the following bill and recommend its passage :

No. 488. A bill to relocate the county seat of Clay county ;
Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Gorman, chairman of the committee on the revision, reported the following bill :

No. 489. A bill in relation to county seminaries ;
Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Tingley, a member of the judiciary committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House,

No. 434, have had the same under consideration, and instructed me to report the same back without amendment and recommend its passage :

No. 434. A bill amendatory of an act entitled an act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties, (approved February 17th, 1838, approved January 31st, 1838,) mentioned in said report was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Tingley, a member of the judiciary committee, made the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred bill of the House,

No. 264. Recommend it to be laid on the table without any further action, as they deem legislation thereon inexpedient ; also,

No. 341, and recommend that the same be likewise laid on the table.

The committee are of opinion that the matters contained in said bills are worthy of consideration ; but the present session is too far advanced to mature as impartial a proposition at this late period, and ask to be discharged from the further consideration thereof ;

Which report was concurred in by the House and the committee discharged.

Mr. Nees, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred the petitions of sundry citizens of the county of Clay, on the subject of the defects of the school laws, have had that subject under consideration and directed me to report that the evils complained of by the petitioners are fully remedied in the revision, and that further legislation on that subject is unnecessary at this time, and ask to be discharged from the further consideration thereof ;

Which report was concurred in by the House.

Mr. Nees, from the committee on military affairs, made the following report :

MR. SPEAKER:

The committee on military affairs, to whom was referred a bill of the Senate,

No. 134. An act act entitled an act to amend an act entitled, "an act to organize the militia of Indiana," (approved February 10th, 1831, approved January 31st, 1842,) have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

No. 134, mentioned in said report was reported back to the House, read a second time and ordered to a third reading on to-morrow.

Mr. Nees, from the committee on military affairs, made the following report :

MR. SPEAKER:

The committee on military affairs, to whom was referred a bill of the House of Representatives,

No. 356. A bill to amend an act, approved February 24th, 1840, have had the same under consideration, and have directed me to report the bill back to the House, without amendment, and recommend its passage ;

No. 356, mentioned in said report was reported back to the House, read a second time and passed to a third reading on to-morrow.

On motion of Mr. Lowe bill,

No. 418. A bill to repeal the 16th section of an act entitled, "an act prescribing the duties of county treasurer," (approved February 12th, 1841,) was taken from the table, read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bradley, on leave, introduced bill,

No. 490. A bill to declare and correct a misprint, and for other purposes ; also, bill,

No. 491. Entitled a bill to abolish complete records in certain criminal cases ;

Both of which were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Nees, on leave, introduced bill,

No. 492. Entitled a bill to provide for an additional stay of execution in certain cases therein named ;

Read a first and second times ; when,

Mr. Edwards moved to indefinitely postpone said bill ;

And the ayes and noes having been demanded by Messrs. Nees and Edwards :

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of Dearborn, Brown of W., Butterfield, Campbell, Davis of Madison, Dufour, Edwards, Hardin, Hargrove, Huckaby, Jackson, Leslie, Lewis, Lingle, Logan, Marvin, Matheny, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Norvell, O'Neal, Shelby, Simonson, Snook, Stratton, Summers, Whight and Williams—30.

Those who voted in the negative were,

Messrs. Bowers, Brown of Marion, Brown of Rush, Butler of Randolph, Claypool, Carter, Chrisman, Clements, Coffin, Denny, Dunn,

English, Francis, Gilbert, Goodenow, Gorman, Hiatt, Hillis, Hodges, Johnson, Jones, Lee, Major, Mathers, McCormick, Mitchell, Myers, Nees, Nelson, Osborn, Parker, Patrick, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Sluss, Steele, Strain, Tevis, Thompson, Tingley and Mr. Speaker—44.

So said motion did not prevail.

Mr. Gorman moved to amend the bill by extending its provisions to the sureties of public officers ;

Which was agreed to.

Mr. O'Neal moved to amend the bill by adding "White and Blue Dog."

Mr. Bradley moved to amend the bill by adding "all other colors of dogs."

Mr. Claypool moved to amend the bill as follows :

Provided, however, that the provisions of this act shall not be so construed as to include special written contracts, where a particular kind of funds was specified in the contract.

Mr. Robinson moved a division of the question.

Mr. Gorman moved the previous question ;

Which was seconded by the House.

The question then recurred upon the engrossment of the bill ;

And the ayes and noes having been demanded by Messrs. Tevis and Lowe :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Marion, Brown of Rush, Butler of Randolph, Coffin, Cooley, Denny, English, Gilbert, Gorman, Hillis, Hodges, Jones, Johnson, Lee, Major, McCormick, Myers, Nees, Nelson, Osborn, Proctor, Real, Rich, Roberts, Robinson, Rose, Sluss, Steel, Stewart, Strain and Tevis.—32.

Those who voted in the negative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of W., Butler of Vanderburgh, Campbell, Carter, Claypool, Clements, Davis of M., Dufour, Dunn, Edmonson, Edwards, Francis, Goodenow, Hardin, Hargrove, Hiatt, Huckaby, Jackson, Leslie, Lewis, Lingle, Logan, Lowe, Marvin, Matheny, Meeker, Millikin, Mitchell, Montague, Mooney, Moore of F., Norvell, O'Neal, Parker, Patrick, Peak, Prilliman, Shelby, Shoup, Simonson, Snook, Stratton, Summers, Swihart, Tingley, Whight, Wilson and Mr. Speaker.—52.

So said bill failed on its engrossment.

Mr. Norvell, from a select committee, made the following report :

MR. SPEAKER:

The bill referred to the select committee consisting of Norvell, Hillis, and Edwards, for the relief of the borrowers of sinking fund, surplus revenue fund, and other funds, have had the same under consideration, have made the amendments, as instructed, and directed me to report the same back, and recommend its passage.

No. 327. An act supplemental to an act for the relief of the borrowers of the surplus revenue fund, sinking fund, and other funds, and for the better securing the payment thereof, (approved January 31st, 1842,) mentioned in said report, reported back to the House,

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nelson offered for adoption the following resolution:

Resolved, That the thanks of the members of the House of Representatives be tendered to the Principal, Assistant and Enrolling Clerks of this House for the industrious and efficient manner in which they have discharged their respective duties during the present session;

Which was unanimously adopted.

Mr. Thompson, on leave, introduced bill

No. 493. A bill to authorize a special term of the probate court in Allen county;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Carter,

The papers of Peter Duncan &c, were withdrawn from the files.

Mr. Shoup, on leave, introduced bill

No. 494. Entitled "a bill for the payment of claims due on White Water canal;

Read a first and second times; when

Mr. Matheny moved to indefinitely postpone said bill;

Which motion prevailed.

Mr. Millikin, on leave, introduced bill

No. 495. An act amendatory to an act repealing the 18th, 21st, and 23d sections of an act, prescribing the duties of county treasurers;

Which bill was read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Dufour, on leave, introduced bill

No. 496. A bill to reduce the expenses of both branches of the General Assembly of this State;

Read a first and second times; when

Mr. Foulke, moved to lay the bill on the table;

And the ayes and noes having been demanded by Messrs. Foulke and Bradley:

Those who voted in the affirmative were,

Messrs. Baker, Bradley, Brown of Dearborn, Campbell, Carter, Claypool, Cuppy, Davis of Madison, Dunn, Edmonson, Edwards, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Lee, Lowe, Matheny, Mathers, Meeker, Mitchell, Montague, Mooney, Moore of Owen, Myers, Nelson, Parker, Patrick, Shelby, Simonson, Sluss, Snook, Sumner, Swihart, Thompson, Whight and Wilson—43.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of M. Brown of Rush, Brown of White, Butler of Randolph, Butler of Vanderburgh, Clements, Coffin, Cooley, Dufour, English, Gorman, Hardin, Hargrove, Johnson, Jones, Lewis, Lingle, Logan, Major, Marvin, McCormick, Millikin, Moore of Floyd, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Steele, Stewert, Stratton, Summers, Tingley and Mr. Speaker—42.

So said bill was laid on the table.

Mr. Swihart, on leave, introduced bill

No. 497. An act for the relief of pre-emptioners in Miami county;

Read a first and second times; when

Mr. Edwards moved to amend the bill so that the rate of interest should not exceed ten per cent;

Which was not agreed to.

Mr. Lowe moved to amend the bill so that the rate of interest should not exceed twelve per cent;

Which motion did not prevail.

The bill was then ordered to be engrossed for a third reading.

Mr. Norvell, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education to whom was referred bill No. 439, relative to public schools, have had the same under consideration, and recommend me to report the same back without amendment, and wish to be discharged from the further consideration thereof;

Which report was concurred in, and the bill,

On motion,

Laid on the table.

Mr. Brown of D., chairman of the committee on the State Bank, reported back to the House bill

No. 483. A bill to require the Bank to continue specie payment, and to enable it to maintain it;

With the following amendment:

Strike out the words "or capital of the Bank" from the 7th line of the fourth section;

Which amendment was concurred in.

Mr. Gorman moved to amend the bill as follows:

"*Provided*, That this act shall not extend to judgments rendered upon any domestic bill of exchange, which may have been issued, sold, or discounted by any Branch of said Bank for a higher premium or reward, including all charges, than six per centum per annum;"

Which was adopted.

Mr. Chrisman moved to amend by striking out the "third section of said bill;"

And the ayes and noes having been demanded by Messrs. Claypool and Brown of D.:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Marion, Chrisman, Edmonson, English, Gorman, Hardin, Hargrove, Hodges, Johnson, Major, Mooney, Moore of Floyd, Moore of Owen, Nees, Nelson, Norvell, Osborn, Peak, Rich, Roberts, Robinson, Rose, Snook, Stewart, Tevis and Mr. Speaker—28.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Clements, Cooley, Cuppy, Denny, Dufour, Dunn, Edwards, Francis, Gilbert, Goodenow, Hawkins, Hillis, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Marvin, McCormick, Meeker, Millikin, Mitchell, Montague, O'Neal, Parker, Patrick, Myers, Proctor, Real, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley and Wilson—55.

So said motion did not prevail.

Mr. Clements moved to amend the second section as follows:

"*Provided*, The person negotiating such instrument shall agree to the same and such agreement shall be expressed in the bill of exchange or other instrument negotiated."

Mr. Tingley moved to amend by adding the following section:

"**SEC. —.** That whenever any person or persons are unable to procure his or their judgment or judgments to be replevied under the provisions of this act, his or their property shall be sold on the same length of credit that he or they would be entitled to stay said judgment for which judgment bonds shall be given to the acceptance of

the officer effecting the sale, on which execution may issue when due, and property above levied on to satisfy said bond, shall sell without appraisement, as other property under this law;"

The question then recurring on the adoption of Mr. Clement's amendment;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bradley, Brown of Dearborn, Brown of Marion, Butler of Vanderburgh, Chrisman, Clements, Cuppy, Davis of Madison, Dufour, Edmonson, English, Gilbert, Gorman, Hardin, Hargrove, Hiatt, Hodges, Major, Millikin, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Peak, Proctor, Robinson, Rose, Simonson, Sluss, Snook, Stewart, Steele, Sumner, Swihart and Mr. Speaker—39.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Brown of Rush, Brown of White, Campbell, Carter, Claypool, Cooley, Denny, Dunn, Edwards, Francis, Goodenow, Hawkins, Huckaby, Jackson, Johnson, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Marvin, McCormick, Meeker, Mitchell, Montague, Osborn, Parker, Real, Rich, Roberts, Shelby, Shoup, Strain, Stratton, Summers, Tevis, Thompson, Tingley and Wilson.—43.

So said amendment was not adopted.

Mr. Gorman moved to amend as follows:

"That an execution issued upon a judgment rendered upon a contract entered into after the first day of June next, the said execution shall not be levied upon any property acquired before the said first day of June next."

The question then recurred on the amendment as offered by Mr. Tingley;

Which was adopted.

Mr. Carter moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put?

Which was decided in the affirmative.

The question then recurred on the engrossment of the bill for a third reading;

And the ayes and noes having been demanded by Messrs. Lowe and Gorman:

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of W., Butler of Vanderburgh, Carter, Claypool, Coffin, Co-

ley, Denny, Dunn, Edwards, English, Francis, Gilbert, Goodenow, Hiatt, Huckaby, Jackson, Lee, Leslie, Lewis, Lingle, Lowe, Marvin, McCormick, Meeker, Mitchell, Montague, O'Neal, Parker, Patrick, Proctor, Shelby, Shoup, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley and Wilson.—46.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Butterfield, Campbell, Cuppy, Clements, Chrisman, Davis of Madison, Dufour, Edmonson, Gorman, Hardin, Hargrove, Hawkins, Hillis, Hodges, Johnson, Logan, Major, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, Osborn, Peak, Real, Rich, Roberts, Robinson, Rose, Simonson, Snook, Stewart and Mr. Speaker.—37.

So said bill was not ordered to be engrossed for a third reading on to-morrow.

And, on motion,

The House adjourned till to-morrow morning half past 8 o'clock.

THURSDAY MORNING, FEB. 9, 1843.

The House met pursuant to adjournment.

The House took up the following message which was received from the Senate by Mr. *Harris* a Senator:

MR. SPEAKER:

The Senate insists on its amendment to engrossed bill of the *House* No. 299, an act to improve certain State roads therein named.

Mr. Brown of M. moved that the House recede from its disagreement to the amendment of the Senate to bill No. 299, mentioned in said message;

And the ayes and noes having been demanded by Messrs. Brown of Marion and Thompson:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Cooley, Cuppy, Dufour, English, Hardin, Hargrove, Hiatt, Jackson, Johnson,

Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Marvin, Moore of Owen, O'Neal, Peak, Real, Rich, Roberts, Robinson, Rose, Shoup, Stewart, Whight and Mr. Speaker.—38.

Those who voted in the negative were,

Messrs. Bradley, Brown of White. Carter, Claypool, Coffin, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hillis, Hodges, Huckaby, Matheny, Mathers, Meeker, Mitchell, Millikin, Montague, Mooney, Myers, Nelson, Norvell, Osborn, Parker, Patrick, Proctor, Shelby, Simonson, Sluss, Steele, Strain Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler and Wilson—45.

So the House refused to recede from its disagreement.

Mr. Thompson moved that a committee of free conference be appointed;

Whereupon, the chair announced Messrs. Thompson and Mitchell said committee on the part of the House.

Mr. Proctor, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have examined the following enrolled bills and find them to be correct, to-wit:

No. 23. An act to amend an act relative to granting license;

No. 383. An act to repeal so much of the fifty second section of an act entitled "an act prescribing the duties of county auditors, approved Feb. 12th, 1841, as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland," and for other purposes;

No. 179. An act for the relief of Harmon Warram of Hancock county;

No. 205. An act to amend an act entitled "an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county," and for other purposes, approved Jan. 31st, 1842;

No. 349. An act to repeal the thirtieth section of the second amendment of the Bank Charter, and the act to create a seventeenth Branch Bank district;

No. 257. An act to amend the act in relation to the location of the Rome and Paoli State road;

No. 287. An act to amend the act entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," approved Jan. 13th, 1831;

Thereupon, the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Norvell, a member of the committee on education, made the following report:

MR. SPEAKER :

The committee on education, to whom was referred that part of the revision contained in "Article 3d" of the University Fund, have obeyed the instructions given them by handing the same over to the revisors, accompanied with the further instructions, "to retain the present commissioner of the reserved townships of lands in Monroe and Gibson counties, and to so amend." Your committee was then informed by the revisors, that the amendments would not fit that part of the revision, and that the portion of said revision to which said amendment was intended, had been long since reported to the Senate and doubtless had passed.

Your committee having had the same under consideration, together with the amendments, and find it impossible to dovetail into said revision the amendments as instructed, because they wont fit, and consequently wish to be discharged from the further consideration thereof.

Article 3d, relative to the university fund, mentioned in said report, reported back to the House;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Rich moved to take from the files bill,

No. 476. Entitled a bill to reduce the per diem allowance of members of the General Assembly :

And the ayes and noes having been demanded by Messrs. Clements and Rich :

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Chrisman, Claypool, Cooley, Cuppy, Dufour, Dunn, English, Foulke, Gilbert, Goodenow, Hargrove, Hiatt, Hodges, Jackson, Johnson, Lingle, Logan, Major, Mathers, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Parker, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Shelby, Sluss, Steele, Stewart, Strain, Summers, Tingley, Whight and Williams.—52.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Butterfield, Carter, Clements, Coffin, Denny, Edmonson, Edwards, Francis, Fuller, Hardin, Hawkins, Huckaby, Jones, Lee, Leslie, Lewis, McCormick, Meeker, Millikin, Mitchell, Montague, Prilliman, Simonson, Stratton, Sumner, Swihart, Thompson, Wilson and Mr. Speaker.—32.

So said motion prevailed.

Mr. Rich moved the previous question ;

Which was seconded by the House.

The question then recurred, "shall the main question be now put?"

Which was decided in the affirmative.

The question then being, "shall the bill pass?"

And the ayes and noes having been demanded by Messrs. Huckaby and Rich :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bowers, Brown of Dearborn, Brown of R., Brown of W., Butler of Randolph, Butterfield, Campbell, Chrisman, Claypool, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edwards, English, Foulk, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Johnson, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, Mathers, Matheny, McCormick, Mecker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Myers, Nees, Nelson, O'Neal, Osborn, Rarker, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Sluss, Steele, Stewart, Strain, Summers, Sumner, Swihart, Tevis, Thompson, Tingley, Wheeler, Whight and Williams—75.

Those who voted in the negative were,

Messrs. Bradley, Brown of Marion, Carter, Clements, Coffin, Edmonson, Francis, Hawkins, Jackson, Jones, Leslie, Patrick, Prilliman, Simonson, Stratton, Wilson and Mr. Speaker—18.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moore of Owen moved to take from the files bill No. 474 ;

And the ayes and noes having been demanded by Messrs. Moore of Owen and Rich :

Those who voted in the affirmative were,

Messrs. Baker, Brown of M., Brown of White, Butler of R., Campbell, Chrisman, Claypool, Clements, Coffin, Cooley, Cuppy, Denny, Dufour, Dunn, English, Foulke, Fuller, Gorman, Hardin, Hawkins, Hiatt, Hillis, Hodges, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Marvin, McCormick, Mitchell, Mooney, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Sluss, Shoup, Steele, Stewart, Sumner, Summers, Tevis, Tingley, Wheeler, Whight, Williams and Mr. Speaker.—64.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of R., Carter, Davis of M., Edmonson, Edwards, Gilbert, Goodenow, Huckaby, Leslie, Matheny, Meeker, Millikin, Parker, Patrick, Simonson, Strain, Stratton, Thompson and Wilson.—23.

So said motion prevailed.

Mr. Norvell moved to recommit the bill to a select committee, with instructions to strike out all that portion which relates to clerks.

Mr. Brown of Marion moved to amend the instructions as follows :

To strike out all in relation to county officers.

The question then recurring on the motion to commit the bill, with the instructions ;

Which was decided in the affirmative.

Mr. Stratton moved to instruct the committee as follows :

Provided that all salaries in the foregoing bill shall be paid in specie or its equivalent so soon as the same become due and demanded ; otherwise to be and remain as they have heretofore been by law.

Mr. Edwards moved to amend the instructions as offered by Mr. Stratton, as follows :

By striking out the words "specie or its equivalent," and insert "current bank paper ;"

Which was accepted by the mover.

The question then recurring on the instructions of Mr. Stratton, as amended ;

And the ayes and noes having been demanded by Messrs. Stratton and Chrisman :

Those who voted in the affirmative were,

Messrs. Baker, Butler of Vanderburgh, Edwards, Francis, Huckaby, Moore of Floyd, Simonson, Steele, Strain, Stratton, and Sumner.—11.

Those who voted in the negative were,

Messrs. Bowers, Brown of M, Brown of R, Brown of W, Campbell, Carter, Chrisman, Claypool, Clements, Cooley, Cuppy, Davis of Madison, Denny, Dufour, Dunn, Edmonson, English, Foulk, Fuller, Gilbert, Goodenow, Gorman, Hardin, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Lowe, Major, Matheny, Mathers, McCormick, Meeker, Millikin, Mooney, Moore of Owen, Nees, Nelson, Norvell, Myers, O'Neal, Osborn, Parker, Patrick, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Sluss, Stewart, Summers, Swihart, Tingley, Wheeler, Whight, Wilson and Mr. Speaker.—72.

So said instructions were not adopted.

Mr. Parker moved to amend by striking out all that part that relates to the reduction of the salaries of circuit judges ;

Which was not adopted.

The chair thereupon announced the following said select committee: Messrs. Norvell, Brown of M., and Moore of Owen.

On motion of Mr. Robinson,

Part 1st, of the revision was taken up, read a third time ; when,

On motion of Mr. Edwards,

The same was amended by unanimous consent of the House by adding the words "providing for the election of county commissioners" and passed.

Ordered, That the Clerk inform the Senate thereof.

On motion of Mr. Robinson,

The House resolved itself into a committee of the whole on several parts of the revision, (with Mr. Robinson in the chair,) and after having spent some time therein, the committee rose, through its chairman reported that they had made one amendment thereto, and asked the concurrence of the House in the same.

The question recurring on the amendment, as made by the committee of the whole ;

And the ayes and noes having been demanded by Messrs. Moore of F. and Steele :

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Marion, Brown of Rush, Brown of White, Butler of Randolph, Campbell, Carter, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hargrove, Jackson, Johnson, Lee, Lewis, Lingle, Logan, Lowe, McCormick, Mooney, Moore of F., Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Rich, Roberts, Rose, Shoup, Stewart, Stratton, Swihart and Whight.—40.

Those who voted in the negative were,

Messrs. Bowers, Bradley, Butler of V., Butterfield, Claypool, Clements, Davis of Madison, Denny, Edwards, Gilbert, Hodges, Huckaby, Major, Mathers, Meeker, Parker, Patrick, Proctor, Real, Shelby, Simonson, Sluss, Steele, Thompson, Tingley, Williams, Wilson and Mr. Speaker.—28.

So the amendment, as made by the committee, was concurred in by the House.

The bill was then read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up Part IV, of the revision, relative to crimes, &c.;
Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up that part of the revision which relates to the jurisdiction of justices of the peace;

Read a third time and passed.

Also, that part which relates to canals, railroads, &c.

Also, No. 206, of the revision.

And also that part of the revision which relates to the repeal of statutes, &c.;

Were severally read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills thereof entitled,
No. 152. An act to provide for the payment of taxes by non-residents through the State Treasury;

No. 200. An act reducing the fees of auditors of Morgan, Owen, Knox, Gibson, Monroe, and Fountain counties;

No. 203. An act in relation to enrolling the acts of the General Assembly;

No. 205. An act for the relief of certain persons therein named;

No. 206. An act to amend an act entitled, "an act to provide for a more uniform mode of doing township business in the several counties therein named;"

In which the concurrence of the House of Representatives is respectfully requested.

The Senate insists on its second amendment to bill No. 244, (of the House of Representatives,) entitled an act for the relief of settlers on the Wabash and Erie canal lands;

And Messrs. Hetfield and Mofiatt are appointed a committee of free conference on the part of the Senate to act with a similar committee which they ask may be appointed on the part of the House of Representatives, to take into consideration the subject matter of disagreement between the two Houses in relation to said bill.

The Senate has concurred in the amendment of the House to the second amendment of the Senate to Part I of the Revised Statutes with an amendment, embracing Decatur county in the exceptions, and has concurred in the amendment of the House to the third amendment of the Senate without amendment, and I am instructed to ask the concurrence of the House in the said amendment of the Senate to the amendments of the House to the bill aforesaid.

The amendment of the Senate to Part 1st of the revision mentioned in said message was concurred in by the House.

Bill No. 152, mentioned in said message was read a first time and passed to a second reading on to-morrow.

No. 200, mentioned in said message was read a first and second times ; when,

Mr. Moore of Owen moved to amend by inserting the following :

That the annual allowance of the county auditor should not exceed one hundred and fifty dollars in the county of Owen ;

Which was agreed to, and the bill ordered to a third reading on to-morrow.

Bill No. 203, mentioned in said message was read a first and second times ; when,

Mr. Claypool moved to strike out " fifty dollars ;"

Which was agreed to, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 205, mentioned in said message was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 206 mentioned in said message was read a first and second times, and ordered to a third reading on to-morrow.

On motion of Mr. Bradley,

The House insisted on its disagreement to the amendment of the Senate to bill No. 244, mentioned in said message ; and,

On motion of Mr. Bradley,

The Chair appointed the following a committee of free conference on the part of the House :

Messrs. McCormick and Thompson.

Mr. Norvell, from a select committee, asked leave to report back to the House bill,

No. 474. A bill regulating the fees and salaries of the several officers and persons therein named ;

Which was not granted.

The House took up the following message, which was received from the Senate by Mr. Harris, a member:

MR. SPEAKER:

The Senate has insisted on its amendment to the engrossed bill of the House,

No. 235. An act to provide for the construction of a rail-way in Laporte county ;

And has appointed Messrs. Everts and Herriman a committee of free conference to act with a similar committee to be appointed by the House, to take into consideration the disagreement of the two Houses upon said amendment.

And, on motion of Mr. Bradley,

Messrs. Bradley and Cuppy were appointed a committee of free conference on the part of the House to take into consideration the subject matter of disagreement between the two Houses in said bill.

The House took up the following message, which was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House, without amendment, entitled:

No. 202. An act to provide for the sale of lands mortgaged to the sinking fund, and for other purposes;

No. 280. An act for the encouragement of the growth and manufacture of silk;

No. 284. An act to incorporate the Wabash Bridge company;

No. 388. An act concerning the eligibility and qualifications of Directors of the State Bank and Branches thereof;

No. 425. An act to amend an act therein named;

No. 443. An act to establish a State road in Scott county;

No. 454. An act defining the duties of the school commissioners in township No. 14 north, six west, in Parke county;

No. 463. An act to repeal certain parts of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved Feb. 17th, 1838;

The Senate has passed engrossed bills of the House, with amendments, entitled as follows:

No. 235. An act to provide for the construction of a railway in Laporte county;

No. 389. An act for finishing a bridge over Laughery creek, and for other purposes;

No. 422. An act providing for the election of three school commissioners in the townships of Jackson and Florida, in Parke county;

No. 225. An act amendatory of an act entitled "an act authorizing the administrator of Mathew H. Kempton, deceased, to bring certain suits in Perry county," approved Jan. 1842;

No. 419. An act defining the duties of Sheriffs of Owen county;

The Senate has concurred in the amendment of the House to bills of the Senate, as follows:

No. 159. An act amending an act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved Jan. 31st, 1842;

No. 172. An act fixing a certain annual compensation to the auditor of Hancock county;

The Senate insists on its amendment to bill No. 396 of the House, entitled "an act to regulate the jurisdiction of justices of the peace in Union, Johnson, and Martin counties;

The Senate has concurred in the amendment of the House to the engrossed bill of the Senate,

No. 77. An act entitled "an act regulating the fees and salaries of

the several officers and persons therein named," approved February 7th, 1831;

With an amendment embracing Switzerland county;

In which amendment of the Senate to the amendment of the House to said bill, the concurrence of the House is respectfully requested;

Mr. Bowers moved to concur in the amendment of the Senate to bill

No. 389. Mentioned in said message,

With the following amendment:

Add after the word "Decatur" "from and after the expiration of two years from the fifteenth day of June, 1843.

Mr. Montague moved to amend the amendment of Mr. Bowers by adding the counties of Shelby, Rush and Marion, to Decatur;

Which was accepted by Mr. Bowers;

And the amendment as amended concurred in by the House.

The amendments of the Senate to bills

Nos. 422, 225, 210, and 419. Mentioned in said message,

Were concurred in by the House.

On motion,

The House receded from its disagreement to the amendment of the Senate to bill

No. 396. Mentioned in said message.

The amendment of the Senate to bill

No. 77. Mentioned in said message,

Was concurred in by the House.

The House took up the following message, which was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has concurred in the first amendment of the House to bill of the Senate,

No. 140. An act authorizing Richard Palmer to build a mill dam across White river, in the counties of Daviess and Knox;

With an amendment, in which the concurrence of the House of Representatives is requested, and in the second without amendment.

The Senate has receded from its amendment to bill of the House of Representatives,

No. 17. To change the mode of doing county business in the counties of Warrick and Dubois.

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 229. An act to incorporate the German Lutheran and Reformed Church of the city of New Albany;

No. 250. An act to incorporate the Lafayette Hussars;

No. 434. An act amendatory of an act entitled an act amendatory of an act entitled "an act authorizing the appointment of consta-

bles and defining their duties," approved Feb. 17th, 1838, approved Jan. 31st, 1842;

No. 451. An act for the relief of Elizabeth Harris and Susanna Autin;

No. 481. An act to repeal an act therein named, approved Jan. 14th 1837, to provide for the election of a justice of the peace in Owen county, and for other purposes;

No. 489. An act in relation to county seminaries.

The Senate has also passed with amendments, engrossed bills of the House of Representatives, entitled,

No. 472. A joint resolution to suspend a certain act therein named, in Laporte and Tippecanoe counties;

In which amendments of the Senate the concurrence of the House is respectfully requested.

The amendments of the Senate to bill

No. 140. Mentioned in said message,

Was concurred in by the House.

The amendment of the Senate to joint resolution

No. 472. Mentioned in said message,

Was concurred in by the House.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof entitled,

No. 201. An act to incorporate the Dearborn county Cotton Manufacturing company, and for other purposes;

In which the concurrence of the House is requested.

Bill No. 201. Mentioned in said message, was

Read a first and second times and referred to the committee on corporations.

The following message was received from the Senate by Mr. Harris a Senator:

MR. SPEAKER:

The Senate has passed the following engrossed bill of the House:

No. 256. An act to provide for the election of prosecuting attorneys by the people;

With one amendment;

In which I have been directed very respectfully to ask the concurrence of the House of Representatives;

The amendment of the Senate to bill

No. 256. Mentioned in said message,

Was concurred in by the House.

The following message was received from the Senate by Mr. Herriman, a Senator:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed the following bill:

No. 202. An act authorizing the recorder of Noble county to correct the records of said county in a certain case therein named;

In which the concurrence of the House is respectfully requested;

Bill No. 202. Mentioned in said message, was

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Shelby,

Bill No. 428. Entitled "an act to provide for the building of a bridge across the Wabash and Erie canal west of Tippecanoe river;

Was taken from the table, when

Mr. Lowe moved to amend the bill by providing "that Tippecanoe county should be at the expense of building said bridge;"

Which was not adopted.

The question then recurring, shall said bill pass?

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Claypool, Coffin, Davis of Madison, Foulke, Francis, Gilbert, Gorman, Hiatt, Hodges, Johnson, Lee, Major, Marvin, Mathers, Meeker, Mitchell, Nees, Patrick, Nelson, Prilliman, Real, Robinson, Rose, Shelby, Shoup, Simonson, Steele, Stewart, Strain, Summers, Swihart, and Thompson—41.

Those who voted in the negative were,

Messrs. Baker, Cooley, Denny, Dufour, Edmonson, Edwards, English, Fuller, Goodenow, Hardin, Huckaby, Jackson, Jones, Lewis, Logan, Lowe, Matheny, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Norvell, Peak, Rich, Roberts, Sluss, Stratton and Mr. Speaker.—29.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. English, from the committee on enrolled bills, makes the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House, and find them correctly enrolled, viz:

- No. 313. An act for the relief of Henry Jones;
 No. 392. An act to authorize the board of commissioners of Grant county to rescind an order made upon their record;
 No. 381. An act relating to the seminary fund in cass county;
 No. 156. An act relative to suits against Miami Indians;
 No. 148. An act for the relief of certain persons therein named;
 No. 280. An act for the encouragement of the growth and manufacture of silk;
 No. 435. An act to locate a State road in DeKalb and Steuben counties;
 No. 165. An act to provide for the payment of expenses incurred for the protection of school funds, and for other purposes;
 No. 425. An act to amend an act therein named;
 No. 309. An act to encourage agricultural improvements in Allen, Wells, Huntington, Blackford, Adams, Jay, Kosciusko, Whitley, St. Joseph, Delaware and Elkhart counties;
 No. 259. An act to extend the time for the treasurer of Clinton county to distrain property for non-payment of taxes;
 No. 446. An act to continue in force a certain act therein named;
 No. 286. An act for the location of a State road from Vincennes to Dicksburgh;
 No. 233. An act for the relief of William T. Lane and Gideon Lane, of Tippecanoe county;
 Whereupon the Speaker signed the same.
 Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.
 The following message was received from His Excellency, the Governor, by I. H. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he has on this day approved and signed the following acts and joint resolutions:

- No. 125. An act to amend an act entitled an act to provide for the collection of the debt due from the Lawrenceburgh and Indianapolis railroad company.
 No. 216. An act to incorporate the Spring Creek Academy.
 No. 189. An act to incorporate the Columbus band of musicians.
 No. 433. An act to legalize the mill dam now erected across the Salamonie river, owned by Robert and Michael English.
 No. 390. An act to locate a State road in Orange county.
 No. 385. An act to authorize the board doing county business in the county of Clay to transcribe a certain record therein named, and for other purposes.
 No. 365. An act for the improvement of the Fort Wayne and South Bend State road, so far as the same passes through Elkhart county.

No. 245. An act amendatory to an act entitled an act to incorporate the town of Cambridge city, (approved February 12th, 1841.)

No. 143. An act to divide the State into Congressional districts.

No. 380. A joint resolution on the subject of counting and cancelling State Bonds that have been received by the Treasurer of State.

No. 438. A joint resolution supplemental to a joint resolution providing for ascertaining the amount due contractors and laborers on the Madison and Indianapolis railroad, (approved January 28th, 1843.)

No. 400. An act relative to the county seminary and Laporte University building in Laporte county.

No. 209. An act to vacate the town of Marion in Lagrange county.

No. 59. An act to amend an act therein named.

No. 224. An act to incorporate the Marion band in Grant county.

No. 379. An act to extend an act entitled "an act for a more uniform mode of doing township business in the several counties therein named," approved Feb. 17th, 1838, to Kosciusko county;

No. 384. An act for the relief of James Gee and Abigail Gee of Huntington county;

No. 393. An act to authorize the erection of dams and locks in Elkhart river;

No. 431. An act to extend the provisions of an act therein named to the counties of Huntington and Wells;

No. 401. An act to locate a certain State road therein named;

No. 306. A preamble and joint resolution in reference to the Mississippi trade;

No. 208. A joint resolution relating to delinquent lands in Kosciusko, Whitley, Elkhart, Porter and Lake counties;

All of which originated in the House of Representatives.

On motion,

The House adjourned till half past one o'clock P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

Mr. Hawkins presented two petitions of divers citizens of the State of Indiana, in relation to persons of color and fugitives from labor;

Which were, on motion,

Laid on the table.

The Speaker laid before the House the petition of Abel Coffin and others, citizens of Henry county, praying the repeal of certain laws

of the State of Indiana, in relation to persons of color, and fugitives from labor;

Which was, on motion,

Laid on the table;

Mr. Wilson, a member of the committee of ways and means, reported back to the House bill

No. 347. Entitled a bill to make the one fourth of one per cent. Treasury Notes bear six per cent. interest, and for other purposes, with the following amendment:

Add at the end of the first section these words, viz:

"From and after the reception by the different agents of the surplus revenue, school fund, college fund, and saline land fund, and it is hereby made the duty of the said agents to make the proper endorsements thereof, on the back of said notes;"

Which amendment was concurred in by the House;

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Goodenow, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution of the House directing an enquiry into the expediency of so amending the revenue law as to allow boards doing county business to grant tavern licenses for a sum not less than 10 nor more than \$25, have had the same under consideration, and directed me to report, that in the opinion of the committee, legislation on that subject is inexpedient;

Which report was concurred in by the House.

Mr. Goodenow, a member of the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill of the Senate No. 144, entitled a bill to amend an act entitled "an act for the election of county assessor," approved Feb. 10th, 1841, have according to order had the same under consideration, and have directed me to report the bill back to the House and recommend its passage;

Bill No. 144. (Of the Senate) mentioned in said report, reported back to the House and passed to a third reading on to-morrow.

Mr. Goodenow, from the committee of ways and means, made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred bill of the House No. 459, entitled "a bill supplemental to the act authorizing a subscription for the History of the State of Indiana," have according to order had the same under consideration, and have directed me to report the same back to the House and recommend its passage; Bill No. 459. Mentioned in said report, was reported back to the House;

Read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Carter, from a select committee, reported back to the House, Bill No. 192. (Of the Senate) entitled "an act to authorize M. & T. English to build a bridge over the Wabash river in Wabash county;

With several amendments;

Which were concurred in by the House;

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Claypool, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred two petitions containing the names of 120 persons of Fayette county, praying the repeal of a law commonly called "the dog law," as also two remonstrances containing the names of 158 persons of said county, against the repeal, have according to order, had that subject under consideration, and directed me to report a bill amendatory of said law, and recommend its passage;

No. 498. A bill to amend an act entitled "an act for the preservation of sheep," approved 25th Jan, 1841;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Nees, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition and remonstrance of sundry citizens of the county of Clay, on the subject of the relocation of a part of a certain State road, have had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 499. A bill authorizing the relocation of a part of a certain State road in the county of Clay;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moore of Owen, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 474, have had the same under consideration, have stricken out the first section from the third line of said bill, and report the same back and recommend its passage;

Bill No. 474. Mentioned in said report, was
Reported back to the House, when

Mr. Gorman moved to recommit the bill with instructions to strike out all that which relates to "Enrolling Clerks;"

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Carter, Claypool, Davis of Madison, Edmonson, Edwards, Foulk, Francis, Gilbert, Goodenow, Gorman, Hawkins, Hiatt, Hodges, Huckaby, Jackson, Leslie, Lewis, Major, Marvin, Matheny, Mathers, Meeker, McCormick, Millikin, Mitchell, Montague, Patrick, Robinson, Shoup, Simonson, Sluss, Stewart, Stratton, Swihart, Tingley, Whight, Williams, Wilson and Mr. Speaker.—44.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of White, Campbell, Chrisman, Clements, Cooley, Denny, Dufour, Dunn, English, Hardin, Johnson, Jones, Lee, Lingle, Logan, Lowe, Mooney, Moore of F., Moore of O., Myers, Nees, Nelson, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Roberts, Rose, Shelby, Strain, Summers and Wheeler—36.

So said bill was so recommitted.

Mr. Hodges moved to instruct the committee to amend by reducing associate judges fees to two dollars per day;

Which was adopted.

Mr. Tingley moved to instruct the committee to so amend the bill that probate judges should receive but two dollars per day;

Which was not adopted.

Mr. Gorman, from a select committee, reported back to the House bill,

No. 432. Entitled an act to amend "the act in relation to descent distribution and Dower;

Read a third time and passed.

Ordered. That the clerk inform the Senate thereof.

Mr. Bowers, from the committee on corporations, reported back to the House bill,

No. 201. (Of the Senate) entitled "an act to incorporate the Dearborn county cotton manufacturing company," and for other purposes;

Which was read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

By Mr. Brown of M.:

No. 500. A joint resolution relative to the distribution of certain public documents;

Read three several times and passed.

Ordered, That the clerk inform the Senate thereof.

By Mr. Dufour:

No. 501. A joint resolution in relation to the assumption of State debts by the General Government;

Read a first time, when

Mr. Edmonson moved to suspend the rule and read the bill a third time now;

And the ayes and noes having been demanded by Messrs. Edwards and Coffin:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of M., Brown of R., Brown of White, Butler of R., Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Leslie, Lewis, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Mooney, Moore of F., Moore of O., Nelson, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Sluss, Stewart, Swihart, Wheeler, Whight and Mr. Speaker.—50.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butler of Vanderburgh, Claypool, Clements, Coffin, Denny, Edwards, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Marvin, Mathers, Meeker, Montague, Parker, Real, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson, Tingley and Williams—32.

So the rule was not suspended.

By Mr. Tingley:

No. 502. A joint resolution relative to the distribution of the proceeds of the sales of public lands;

Read a first time, when

Mr. Edmonson moved to reject it;

And the ayes and noes having been demanded by Messrs. Gorman and Edmonson:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Dearborn, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Campbell, Carter, Chrisman, Cooley, Cuppy, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lee, Lewis, Lingle, Logan, Lowe, Major, Matheny, McCormick, Millikin, Moore of Floyd, Moore of Owen, Nelson, Norvell, O'Neal, Osborn, Peak, Prilliman, Roberts, Robinson, Rose, Shoup, Simonson, Stewart, Swihart, Wheeler, Whight and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Butler of Vanderburgh, Claypool, Coffin, Denny, Edwards, Foulk, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Leslie, Marvin, Mathers, Meeker, Montague, Mooney, Myers, Proctor, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams and Wilson—36.

So said joint resolution was rejected.

By Mr. Gorman:

No. 503. A joint resolution in relation to the folding of the revised laws;

Read a first time and passed to a second reading on to-morrow.

By Mr. Thompson:

No. 504. A bill to authorize the commissioners on the Wabash and Erie canal east and west of Tippecanoe, to sell canal lands in 40 acre tracts;

Read a first time and passed to a second reading on to-morrow.

By Mr. Moore of O:

No. 506. A bill defining the duties of certain persons therein named, in the county of Owen;

Read a first and second times and laid on the table.

By Mr. Prilliman:

No. 505. An act supplemental to an act passed at the present session of the General Assembly, entitled an act dividing the State into Congressional districts;

Read a first time and passed to a second reading on to-morrow.

By Mr. Brown of M:

No. 507. An act in relation to the northern division of the Central canal;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

By Mr. Gorman :

No. 508 ;

Read a first and second times and referred to the committee on the judiciary.

On motion of Mr. Shelby,

The House took up bill No. 450. An act to incorporate the Dayton band ;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

On motion of Mr. Moore of F :

The House took up joint resolution,

No. 485. A joint resolution reviving an act therein named; when, Mr. Leslie moved to amend by adding the following proviso :

Provided that the county of Clark shall not be reduced below the number of 400 square miles ;

And the ayes and noes having been demanded by Messrs. Leslie and Simonson :

Those who voted in the affirmative were,

Messrs. Bowers, Brown of Dearborn, Butler of Randolph, Butler of Vanderburgh, Claypool, Clements, Cooley, Davis of M., Edwards, Francis, Goodenow, Hawkins, Hiatt, Hodges, Huckaby, Lee, Leslie, Lewis, Major, Mathers, Meeker, Montague, Marvin, Nelson, Norvell, Parker, Patrick, Real, Roberts, Simonson, Strain, Stratton, Summers, Tevis, Thompson, Tingley, Whight, Williams, Wilson and Mr. Speaker.—40.

Those who voted in the negative were,

Messrs. Brown of Rush, Brown of W., Campbell, Carter, Denny, Dufour, Dunn, Edmonson, English, Fuller, Hargrove, Jackson, Jones, Johnson, Lingle, Logan, McCormick, Mooney, Moore of F., Moore Owen, Myers, O'Neal, Osborn, Prilliman, Proctor, Robinson, Rose, Shoup, Stewart and Swihart.—32.

So said amendment was adopted.

Mr. Simonson moved to amend the bill as follows :

Provided that Clark county shall not pay any portion of the expense for such commission ;

Which was adopted.

And, on motion of Mr. Moore of Floyd,

The bill and amendments were laid on the table.

Mr. Cuppy, a member of the committee of ways and means, on leave, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred bill of the House,

No. 324. Entitled a bill relative to taxes on sheep, and for other purposes, have had that subject under consideration, and considering legislation thereon inexpedient, have directed me to report the same back to the House, and recommend its indefinite postponement ;

Which report was concurred in by the House.

On motion of Mr. Shoup,

The House took up bill No. 350. A bill to provide for the payment of taxes of non-residents through the State Treasury.

When the question recurred on the passage of said bill ;

And the ayes and noes having been demanded by Messrs. Brown of M. and Shoup :

Those who voted in the affirmative were,

Messrs. Bales, Brown of Dearborn, Bowers, Carter, Cooley, Dufour, Francis, Goodenow, Hardin, Hargrove, Hillis, Lowe, McCormick, Meeker, Millikin, Mooney, Nelson, Peak, Robinson, Shelby, Shoup, Stewart, Stratton, Tingley and Mr. Speaker—25.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Campbell, Clements, Coffin, Cuppy, Denny, Dunn, Edmonson, Edwards, Fuller, Gilbert, Hawkins, Hodges, Huckaby, Jackson, Johnson, Lee, Leslie, Lingle, Logan, Marvin, Mathers, Montague, Major, Moore of Owen, Myers, Norvell, O'Neal, Osborn, Parker, Patrick, Prilliman, Proctor, Real, Rich, Roberts, Rose, Simonson, Sluss, Steele, Strain, Summers, Sumner, Swihart, Whight and Williams—41.

So said bill was lost on its passage.

On motion of Mr. Lowe,

The House resolved itself into a committee of the whole, on bill, No. 317. An act making specific appropriations for the year 1843, (with Mr. Edmonson in the chair,) and after having spent some time therein, the committee rose, and through its chairman reported progress, and asked leave to sit again.

Mr. Brown of Marion, on leave, introduced joint resolution,

No. 509. A joint resolution declaring a certain provision of the Revised Statutes to be in force ;

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Brown of D. offered for adoption the following resolution :

In the House of Representatives of the General Assembly of the State of Indiana, February, 1843 ;

Resolved, As the sense of this House that the people of this State elect their Representatives in Congress by districts, because it is a mode of their own adoption, to which they have been accustomed ; and not because the Congress of the United States has so ordered it. This House recognizes the constitutional power in Congress to regulate elections of such Representatives ; provided the regulations be complete and carried out by its own means ; but admits no authority in that body to command the States of the Union in this respect.

Ordered, That the Speaker transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

And on the adoption of said resolution the ayes and noes were demanded by Messrs. Edwards and Tingley :

Those who voted in the affirmative were,

Messrs. Baker, Brown of D., Brown of Marion, Brown of Rush, Butler of Randolph, Campbell, Chrisman, Cooley, Dufour, Dunn, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Jackson, Johnson, Jones, Lewis, Lingle, Logan, Lowe, Major, Matheny, McCormick, Mooney, Moore of F., Moore of O., Myers, Nees, Nelson, Norvell, O'Neal, Osborn, Peak, Roberts, Robinson, Rose, Shoup, Simonson, Stewart, Swihart, Whight and Mr. Speaker.—45.

Those who voted in the negative were,

Messrs. Bales, Bowers, Butler of Van., Butterfield, Claypool, Clements, Coffin, Denny, Edwards, Foulke, Francis, Gilbert, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Lee, Leslie, Marvin, Mathers, Meeker, Mitchell, Montague, Parker, Patrick, Real, Rich, Shelby, Sluss, Steele, Strain, Stratton, Summers, Sumner, Thompson, Tingley, Williams and Wilson—40.

So said resolution was adopted.

Mr. Norvell offered for adoption the following resolution :

Resolved, That the committee on military affairs enquire into the expediency of reorganizing the militia in the State of Indiana ; also, enquire into the expediency of instructing our Senators and requesting our Representatives in Congress to vote against any appropriations to the West Point Military Academy, and report by bill and joint resolution, or otherwise ;

Which was adopted.

The following message was received from the Senate by Mr. Kennedy, a Senator :

MR. SPEAKER:

The Senate has passed, without amendment, an engrossed bill of the House of Representatives entitled,

No. 63. An act for the relief of John Morgan.

The House took up joint resolution,

No. 469. Entitled a joint resolution concerning the New Albany and Vincennes turnpike road;

Read a third time; when,

The question recurred,

"Shall the bill pass?"

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Brown of Marion, Butler of Randolph, Campbell, Coffin, Cooley, Denny, Dufour, Edmonson, English, Fuller, Gorman, Hardin, Hargrove, Hawkins, Hodges, Jackson, Jones, Lee, Lewis, Lingle, Logan, Major, Marvin, McCormick, Millikin, Mooney, Moore of Owen, Nees, Norvell, Osborn, Parker, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Steele, Stewart, Summers, Swihart, Tevis, Tingley, Whight and Wilson.—50.

Those who voted in the negative were,

Messrs. Brown of Rush, Butler of V., Claypool, Clements, Davis of Madison, Dunn, Edwards, Foulke, Goodenow, Hiatt, Hillis, Leslie, Meeker, Montague, Nelson, Peak, Simonson, Strain, Stratton, Sumner, Thompson, and Mr. Speaker.—22.

So said bill passed.

On motion,

The House adjourned until half past 8 o'clock to-morrow morning.

FRIDAY MORNING, FEB. 10, 1843.

The House met pursuant to adjournment.

Mr. Peak moved to reconsider the vote heretofore taken on the passage of bill No. 412;

And the ayes and noes having been demanded by Messrs. Edwards and Huckaby :

Those who voted in the affirmative were,

Messrs. Baker, Brown of W., Carter, Claypool, Clements, Dufour, Edmonson, English, Gilbert, Hargrove, Hillis, Lee, Marvin, Mathers, Mitchell, Moore of F., Nees, Prilliman, Robinson, Shoup, Swihart, Whight and Wilson—23.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of Dearborn, Bradley, Brown of M., Brown of R., Butler of Randolph, Butler of Vanderburgh, Chrisman, Coffin, Denny, Dunn, Edwards, Foulk, Francis, Fuller, Goodenow, Gorman, Hardin, Hodges, Huckaby, Jackson, Johnson, Jones, Hiatt, Lewis, Lingle, Logan, Lowe, Major, Matheny, McCormick, Meeker, Millikin, Montague, Mooney, Norvell, O'Neal, Osborn, Patrick, Peak, Rich, Real, Shelly, Sluss, Snook, Steele, Stewart, Strain, Stratton, Summers, Sumner, Thompson and Williams—53.

So said motion did not prevail.

Mr. Bradley, from the committee of free conference, made the following report :

MR. SPEAKER:

The committee of free conference, to whom was referred bill, No. 235, (of the House.) Entitled a bill to provide for the construction of a rail-way in Laporte county, and the amendment of the Senate thereto, have agreed thereon, and unanimously agree to strike out the 6th section thereof and insert a new one ;

Which amendment was concurred in by the House.

The following message was received from the Senate by Mr. Everts, a Senator :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have concurred in the amendment made to bill of the House,

No. 235. To provide for the construction of a rail-way in Laporte county, by the committee of free conference.

PETITIONS PRESENTED.

By Mr. Foulk ;

Three petitions of Sarah Hills and others, citizens of Wayne county, in relation to persons of color and fugitives from labor ;

Which were laid on the table.

By Mr. Gilbert ;

Of citizens of Huntington, Blackford, Jay, and Adams counties, praying the location of a certain State road therein named ;

Which was laid on the table.

By Mr. Nees ;

The remonstrance of citizens of Clay county against the relocation of the county seat of said county ;

Which was read and laid on the table.

Mr. Hargrove, chairman of the committee on corporations, made the following report :

MR. SPEAKER :

The committee on corporations, to which was referred a bill of the Senate,

No. 148. Entitled a bill for the collection and settlement of the funds belonging to the Delphi Insurance company, have had that subject under consideration, and directed me to report said bill back without amendment, and ask the concurrence of the House ;

Which amendment was concurred in by the House, the bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Thompson, a member of the committee on education, reported back to the House a resolution heretofore referred to said committee, in relation to the Wabash and Erie canal lands ; when,

Mr. Tingley moved to lay the report and resolution on the table ;
And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bales, Bradley, Brown of Dearborn, Brown of W., Campbell, Carter, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Fuller, Gilbert, Goodenow, Hawkins, Hillis, Huckaby, Jackson, Lee, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Prilliman, Real, Roberts, Robinson, Rose, Stewart, Strain, Summers, Thompson and Williams—39.

Those who voted in the negative were,

Messrs Brown of Marion, Brown of Rush, Butler of Randolph, Butler of Vanderburgh, Butterfield, Claypool, Clements, Dufour, Edmonson, English, Foulk, Francis, Gorman, Hardin, Hargrove, Hiatt, Hodges, Johnson, Jones, Lewis, Lingle, Lowe, Logan, Major, Matheny, Millikin, Mooney, Moore of F., Moore of Owen, Myers, Nees, Norvell, O'Neal, Osborn, Parker, Patrick, Peak, Rich, Shelby, Snook, Simonson, Shoup, Sluss, Steele, Stratton, Sumner, Tingley, Whight and Mr. Speaker—48.

So said motion did not prevail.

Mr. Henley moved, (Mr. Shoup in the chair,) that the report and resolution be recommitted back to the committee on education ;

Which was agreed to.

The following message was received from His Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that on the 9th inst. he approved and signed

An act for the relief of John Morgan ;

Which originated in the House of Representatives.

Mr. Simonson, from the committee on the State Prison, made the following report :

MR. SPEAKER:

The committee on the affairs of the State Prison, to which was referred a resolution instructing them to enquire into the expediency of reporting a joint resolution appointing three members of this legislature, whose duty it shall be to meet on a day to be named before the first day of November next at Jeffersonville, and examine into the condition of the State Prison and its affairs generally, and report to the next legislature, recommending the best mode to be adopted with regard to the buildings now being built, as well as the discipline to be observed in the future management of said prison, have had the same under consideration and directed me to report, that the plan and specifications for the erection of a new prison, have been before this committee and received their unanimous approval; that the report of the Visiter exhibits the internal police and discipline observed as good as could be expected under present circumstances, and that from the report of the Clerk and Superintendents, it appears that the building of the new prison is progressing with as much rapidity as the means on hand will permit.

The committee are unanimous in the opinion that a system should be adopted by which the future control and profits of the State Prison should belong exclusively to the State, and that such system may be devised before the expiration of the contract with the present superintendents, they recommend the adoption of the following resolution, and ask to be discharge :

Resolved, That His Excellency, the Governor, be requested to procure information in relation to the best mode for the management of a State Prison, and that he submit the same together with his views thereon to the next General Assembly;

Which was, on motion of Mr. Butler of Vanderburgh, recommitted to the same committee, with instructions to report to this House a joint resolution in compliance with the resolution of the House mentioned in said report.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have examined enrolled bills of the House as follows, to wit :

No. 192. An act for the relief of Nathan Burchfield.

No. 236. An act to amend an act entitled an act to incorporate the Hagerstown canal company, (approved February 1st, 1841.)

No. 231. An act regulating the compensation of road supervisors in the counties of Rush and Hancock.

No. 411. An act for the relief of the board doing county business in the county of Clay.

No. 249. An act for the relief of the tax payers of Franklin township, Washington county, Indiana.

No. 415. An act for the relief of purchasers of seminary lands in Monroe county.

No. 221. A joint resolution for the relief of Andrew Wilson, commissioner of the French Lick Reserve in Orange county.

No. 219. A joint resolution in relation to the valuation of mills and manufactories propelled by water power.

No. 296. An act to change a certain State road therein named.

No. 188. An act for the relief of David Matlock, road commissioner of Hendricks county.

No. 463. An act to repeal certain parts of an act entitled, "an act providing for a more uniform mode of doing township business in the several counties therein named," (approved February 17th, 1838,) so far the same relates to the county of Clay, and find them correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Wilson moved to reconsider the vote taken on the passage of bill No. 469 ;

And the ayes and noes having been demanded by Messrs. Clements and Wilson :

Those who voted in the affirmative were,

Messrs. Butler of Vanderburgh, Claypool, Clements, Davis of Madison, Foulke, Goodenow, Hiatt, Hillis, Leslie, Lowe, Mitchell, Prilliman, Shelby, Simonson, Steele, Stratton, Summers, Tevis, Thompson, Tingley, Williams, Wilson and Mr. Speaker.—23.

Those who voted in the negative were,

Messrs. Baker, Bowers, Butler of Randolph, Campbell, Chrisman, Denny, Dufour, Dunn, Edmonson, English, Flannegan, Gorman, Hardin, Hawkins, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Lewis, Lingle, Logan, Major, Matheny, Mathers, McCormick, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Moore of Owen, Norvell, O'Neal, Osborn, Parker, Proctor, Real, Rich, Roberts, Robinson, Rose, Shoup, Snook, Stewart, Strain and Whight.—46.

So said vote was not reconsidered.

Mr. Gorman, from the committee on the judiciary, reported back to the House bill No. 508. An act in relation to the sales of property mortgaged to the Bank.

The rule was suspended, the bill considered as engrossed, and read a third time.

The question then recurred,

“ Shall the bill pass ? ”

And the ayes and noes having been demanded by Messrs. Huckaby and Edwards :

Those who voted in the affirmative were,

Messrs. Baker, Brown of M., Brown of R., Butler of R., Butler of V., Campbell, Carter, Chrisman, Clements, Dufour, Edmonson, English, Fuller, Gorman, Harding, Jackson, Johnson, Jones, Lewis, Logan, Lowe, Major, Matheny, Millikin, Moony, Moore of F., Moore of O., Myers, Nees, Norvell, O'Neill, Osborn, Peak, Roberts, Robinson, Rose, Sluss, Snook, Stewart, Whight, and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of D., Butterfield, Claypool, Coffin, Davis of M., Denny, Dunn, Edwards, Francis, Gilbert, Goodenow, Hargrove, Hillis, Hodges, Huckaby, Lee, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, and Wilson—41.

So said bill was lost on its passage.

Mr. Bradley moved to suspend the order of business, and take from the files bill No. 483, “an act to require the bank to continue specie payment and to enable her to maintain it.

And the ayes and noes having been demanded by Messrs. Gorman and O'Neill,

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown D., Brown of R., Brown

of W., Butler of V., Butterfield, Campbell, Carter, Claypool, Clements, Coffin Cuppy, Davis of M., Denny, Dufour, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lingle, Lowe, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Moony, Myers, O'Neill, Parker, Patrick, Prilliman, Proctor, Real, Roberts, Shelby, Shoup, Simonson, Steele, Strain, Summers, Swihart, Thompson, Tingley, Whight and Wilson—62.

Those who voted in the negative were,

Messrs. Baker, Brown of M., Butler of Randolph, Chrisman, English, Foulke, Fuller, Gorman, Harding, Hawkins, Hodges, Johnson, Logan, Matheny, Millikin, Moore of F., Moore of O., Nees, Norvell, Osborn, Peak, Rich, Robinson, Rose, Sluss, Snook, Stratton, and Mr. Speaker—27.

So said motion prevailed.

When Mr. Tingley moved to amend by adding the following section:

“SEC. —. The second and third sections of this bill shall be construed to relate to and be applicable only to entirely new loans and business transactions of the Bank and Branches, and by and between individuals contracted and created from and after the first day of June 1843, and shall not be applied by the Bank or Branches, directly or indirectly, to any loans, discounts or dealings heretofore had, nor shall any renewal of any note or arrangement on any bill or bills of exchange now in acceptance, or that may be created either by and between individuals, or with the Bank, before the first of June next, shall not be made subject to any other laws of the State for their collection, than those now in existence.”

Which was unanimously adopted.

Mr. Brown of M. moved to recommit the bill with the following instructions:

“To amend the same so as to strike out all that part which gives the Bank exclusive privileges over individuals.”

Mr. O'Neal moved to reconsider the vote taken on the engrossment of said bill;

And the ayes and noes having been demanded by Messrs. O'Neal and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Butler of Randolph, Chrisman, Clements, Dufour, English, Fuller, Gorman, Hardin, Hawkins, Hodges, Jackson, Johnson, Lingle, Logan, Major, Matheny, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Rich, Roberts, Robinson, Rose, Simonson, Snook, Stewart, Stratton, Summers, Tevis, Whight, Williams and Mr. Speaker.—40.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Vanderburgh, Butterfield, Campbell, Carter, Claypool, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Huckaby, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Mathers, McCormick, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Sluss, Steele, Strain, Sumner, Swihart, Thompson, Tingley and Wilson—52.

So said motion was not reconsidered.

On motion,

The House adjourned until half past one o'clock, P. M.

1½ o'clock, P. M.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

Mr. Summers presented the petition of Taber W. McKee and others, in relation to a certain State road therein named;

Which was, on his motion,

Laid on the table.

Mr. Wilson, on leave, introduced the following resolution:

Resolved, That the treasurer of State communicate to this House what amount has been paid to each member of this House, and the discription of funds so paid, forthwith;

Which was adopted.

Mr. Gorman moved that the House adjourn;

And the ayes and noes having been demanded by Messrs. Gorman and Hardin:

Those who voted in the affirmative were,

Messrs. Brown of Marion, Gorman, Hardin, Hawkins, Moore of Owen, Norvell, Peak, Robinson, Stewart, Tevis, and Mr. Speaker.
—11.

Those who voted in the negative were,

Messrs. Baker, Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Randolph, Butler of Van-

derburgh, Campbell, Carter, Chrisman, Claypool, Clements, Coffin, Denny, Dufour, Dunn, Edmonson, Edwards, English, Flannegan, Francis, Fuller, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Hodges, Huckaby, Jackson, Johnson, Jones, Lee, Leslie, Lewis, Lingle, Logan, Major, Marvin, Mathers, McCormick, Meeker, Millikin, Montague, Mooney, Moore of Floyd, Myers, Nees, Osborn, Parker, Patrick, Proctor, Real, Rich, Roberts, Rose, Shelby, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Whight and Wilson—71.

So said motion did not prevail.

The House resumed the consideration of bill

No. 483. An act to require the Bank to continue specie payment and enable her to maintain it;

When *Mr. Gorman* moved to lay the bill and pending motion of *Mr. Brown* of *M.* on the table;

And the ayes and noes having been demanded by Messrs. Chrisman and Gorman:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Butler of Randolph, Campbell, Chrisman, Dufour, English, Fuller, Gorman, Hardin, Hawkins, Hodges, Johnson, Lingle, Logan, Major, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Rich, Roberts, Robinson, Rose, Stewart, Tevis and *Mr. Speaker*—32.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of White, Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Matheny, Mathers, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Whight and Wilson—55.

So said motion did not prevail.

Mr. Carter moved the previous question;

Which was seconded by the House.

The question then recurred, shall the main question be now put?

Which was decided in the affirmative.

The question was then put, to-wit:

Shall the bill pass?

And the ayes and noes having been demanded by Messrs. Brown of *M.* and Tevis:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edwards, Flannegan, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley and Wilson—54.

Those who voted in the negative were,

Messrs. Baker, Brown of M. Butler of Randolph, Campbell, Chrisman, Dufour, Edmonson, English, Foulk, Fuller, Gorman, Hardin, Hawkins, Hillis, Hodges, Johnson, Lingle, Logan, Major, Matheny, Millikin, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Rich, Roberts, Robinson, Rose, Stewart, Tevis, Whight, Williams and Mr. Speaker—37.

So said bill passed.

Mr. Wilson moved to reconsider the vote just taken on the passage of bill No. 483;

And the ayes and noes having been demanded by Messrs. Bradley and Summers:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Butler of Randolph, Campbell, Chrisman, Dufour, English, Fuller, Gorman, Hardin, Hawkins, Hillis, Hodges, Johnson, Lingle, Logan, Major, Matheny, Millikin, Mooney, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Rich, Roberts, Robinson, Rose, Stewart, Whight and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Mathers, Meeker, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley and Wilson—54.

So said vote was not reconsidered.

Mr. Brown of M. moved to amend the title to said bill as follows:

"And to repeal the present appraisment laws;"

And the ayes and noes having been demanded by Messrs. Brown of M. and Bradley:

Those who voted in the affirmative were,

Messrs. Baker, Brown of Marion, Chrisman, Dufour, English, Gorman, Hardin, Hawkins, Hodges, Johnson, Lingle, Logan, Moore of F., Moore of O., Nees, Norvell, O'Neal, Osborn, Peak, Rich, Robinson, Rose, Stewart and Mr. Speaker.—24.

Those who voted in the negative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of White, Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Matheny, Mathers, Meeker, Millikin, Mitchell, Montague, Mooney, Myers, Parker, Patrick, Prilliman, Proctor, Real, Roberts, Shelby, Shoup, Simonson, Slüss, Steele, Strain, Stratton, Summers, Swihart, Thompson, Tingley and Wilson—60.

So said amendment was not adopted.

Mr. Gorman moved to amend the title of the bill as follows:

"To repeal the appaisement law after the first day of June next."

Mr. Edwards moved the previous question;

Which was seconded by the House.

The question then recurring, shall the main question be now put?

And the ayes and noes having been demanded by Messrs. Hardin and Gorman:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of W., Butler of Vanderburgh, Butterfield, Carter, Coffin, Davis of Madison, Denny, Dunn, Edmonson, Flannegan, Foulke, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Jones, Lee, Lewis, Lowe, Marvin, Mathers, McCormick, Montague, Mooney, Myers, Patrick, Prilliman, Proctor, Real, Shelby, Shoup, Simonson, Sluss, Steele, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Whight, and Wilson—52.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Chrisman, Dufour, Edwards, Fuller, Gorman, Hardin, Hawkins, Johnson, Lingle, Logan, Major, Matheny, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Rich, Roberts, Robinson, Rose, Stewart, Tevis and Mr. Speaker.—28.

So the main question was ordered to be put.

The question then recurring on the title of the bill;

And the ayes and noes having been demanded by Messrs. Gorman and Hardin:

Those who voted in the affirmative were,

Messrs. Bales, Bowers, Bradley, Brown of Dearborn, Brown of Rush, Brown of W., Butler of Vanderburgh, Carter, Claypool, Clements, Coffin, Cuppy, Davis of Madison, Denny, Dunn, Edmonson, Edwards, Flannegan, Foulk, Francis, Gilbert, Goodenow, Hargrove, Hiatt, Hillis, Huckaby, Jackson, Jones, Lee, Leslie, Lewis, Lowe, Marvin, Mathers, Meeker, Millikin, Mitchell, Montague, Myers, Parker, Patrick, Prilliman, Proctor, Real, Robinson, Shelby, Simonson, Sluss, Steele, Stewart, Strain, Stratton, Summers, Sumner, Swihart, Thompson, Tingley, Whight and Wilson—59.

Those who voted in the negative were,

Messrs. Baker, Brown of Marion, Chrisman, Dufour, English, Fuller, Gorman, Hardin, Hawkins, Hodges, Johnson, Lingle, Logan, Major, Matheny, Mooney, Moore of Floyd, Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Rich, Roberts, Rose, Tevis and Mr. Speaker—27.

So said title was adopted.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed bill No. 206, to provide for the transfer of the surplus revenue fund, the county seminary fund, three per cent. fund, from the hands of the present agents to the treasurers of the respective counties; also,

No. 207. A bill in relation to the printing, binding, and distribution of the Revised Statutes and General and Local Laws;

In which I am requested respectfully to ask the concurrence of the House.

Bill No. 207. Mentioned in said message, was

Read a first time and passed to a second reading on to-morrow.

The following message was received from His Excellency, the Governor, by I. H. Kiersted, his private secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts :

No. 23. An act to amend an act relative to granting license.

No. 383. An act to repeal so much of the fifty second section of an act entitled, "an act prescribing the duties of county auditor," (approved February 12th, 1841,) as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland, and for other purposes.

No. 349. An act to repeal the thirteenth section of the second amendment of the Bank charter, and the act to create a seventeenth branch bank district.

No. 179. An act for the relief of Harman Warram, of Hancock county.

No. 205. An act to amend an act entitled, "an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes," (approved January 31st, 1842.)

No. 287. An act to amend an act entitled, "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," (approved January 13th, 1831.)

No. 257. An act to amend an act in relation to the location of the Rome and Paoli State road ;

All of which originated in the House of Representatives.

Mr. English, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the enrolled with the engrossed bills, to wit :

No. 284. An act to open the Bloomington and Salem road.

No. 454. An act defining the duties of the school commissioner in township No. 14 north, of range 6 west, in Parke county.

No. 422. An act providing for the election of three school commissioners in the townships of Jackson and Florida, in the county of Parke.

No. 484. An act to repeal an act therein named, (approved Jan. 14th, 1837,) to provide for the election of a justice of the peace in Owen county, and for electing one in Vienna, Scott county.

An act to provide for the construction of a rail-way in Laporte county ;

And find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Tingley, from the committee on enrolled bills, made the following report :

MR. SPEAKER:

The committee on enrolled bills have examined bills of the House as follows:

No. 348. An act concerning the eligibility and qualifications of directors of the State Bank and Branches thereof.

No. 396. An act to regulate the jurisdiction of justices of the peace in the counties of Union, Johnson and Martin.

No. 434. An act amendatory of an act entitled, "an act amendatory of an act entitled an act authorizing the appointment of a constable and defining their duties," (approved February 17th, 1838, approved January 31st, 1842.)

No. 449. An act to provide for summoning grand and petit jurors in the county of Madison.

No. 239. An act to incorporate the Vevay band of musicians.

No. 416. An act to repeal an act therein named, so far as the same relates to the counties of Switzerland and Montgomery.

No. 462. A joint resolution in reference to the reduction of the rates of letter postage.

No. 284. An act to incorporate the Wabash bridge company ;

And find the same correctly enrolled.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Brown of Marion, on behalf of himself and others, presented the following protest :

The undersigned members of the House of Representatives, availing themselves of their constitutional privilege, respectfully protest against the passage of the bill of the House,

No. 476. Entitled a bill to reduce the per diem allowance of members of the General Assembly, not because they are opposed to the reduction contemplated by the bill, but because when the bill was upon its engrossment an amendment was under consideration, making the provisions of the bill apply to the members of the present legislature ; but before the friends of this measure could have an opportunity of recording their votes in favor of the proposition, it was cut off by the operation of the previous question, and upon the final passage of the bill before the *real* friends of retrenchment and reform could have an opportunity of moving to recommit the bill, with instructions

to reduce the per diem allowance of the members of the present session, and providing for a general reduction of the fees and salaries of all public officers, the previous question was called ; all amendments and motions were cut off—thus depriving the true friends of economy of an opportunity of so amending this important bill, as to introduce a system of retrenchment into all the State expenditures, so loudly called for by the people. They cannot vote for any measure reducing the compensation of the members of the next General Assembly to two dollars per diem, and at the same time refuse to reduce their own, thus pocketing three dollars a day for their services, whilst they would by this law prohibit their successors from receiving more than two dollars. They, therefore, solemnly protest against the passage of this bill, and claim the privilege of having this, their protest, placed upon the Journals of this House.

G. P. R. WILSON,
FREDERICK LESLIE,
JOHN S. SIMONSON,
AQUILLA JONES,
THOS. J. HENLEY,
C. CARTER,
JOHN JACKSON.

WM. J. BROWN,
R. A. CLEMENTS,
NATHAN B. HAWKINS,
B. E. EDMONSTON,
WM. PRILLIMAN,
W. G. COFFIN,
R. G. NORVELL, voted for the

bill as it passed the House, and was also favorable to the amendment offered by the gentleman from Harrison county.

Mr. Proctor, from the committee on enrolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills, by Mr. Proctor, a member of said committee, respectfully report, that they have examined the following enrolled bills, and find them correctly enrolled, to-wit :

No. 27. An act relative to summoning petit jurors in the counties of Sullivan, Madison, Owen, and Vermillion.

No. 171. An act to amend an act entitled, "an act supplemental to an act subjecting real and personal property to execution, (approved January 8th, 1842.)

No. 479. An act to repeal a part of the fifth section of an act entitled, "an act to incorporate the Indiana Iron Manufacturing Company," (approved January 20th, 1841.)

No. 423. An act to amend an act entitled, "an act to organize the militia of the State of Indiana," (approved February 10th, 1831, approved January 31st, 1842.)

No. 248. An act to change the time of holding probate court in the county of Vigo.

No. 420. An act regulating elections in the county of Shelby.

No. 374. An act for the relief of Amory Kinney, Salmon Wright, and Samuel B. Gookins.

No. 206. An act to extend the jurisdiction of justices of the peace and of constables, in certain cases therein named.

No. 440. A joint resolution for the benefit of James McLean of Parke county, Indiana, a deaf and dumb person.

No. 231. An act in relation to the three per cent. fund in Monroe county.

No. 409. An act to authorize the rebuilding a bridge across the canal at Logansport.

No. 417. An act in relation to canal land patents.

No. 203. An act amendatory to an act entitled, "an act appointing commissioners to locate and relocate State roads therein named, and for other purposes," (approved January 31st, 1842.)

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Clements, from a select committee, on leave, made the following report :

MR. SPEAKER:

The select committee, to which was referred bill,

No. 365. Entitled a bill regulating fees and salaries, have had the same under consideration, and directed me to report that they have made the amendments directed by the House, and recommend its passage.

Bill No. 365, mentioned in said report reported back to the House; when,

Mr. Edwards moved to lay the bill on the table ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Butterfield, Carter, Edwards, Francis, Goodenow, Hardin, Leslie, Lewis, Stratton and Wilson.—10.

Those who voted in the negative were,

Messrs. Baker, Brown of Rush, Butler of V., Campbell, Clements, Cuppy, Denny, Dufour, Dunn, English, Foulke, Fuller, Gorman, Hawkins, Hiatt, Hodges, Jackson, Jones, Lee, Lingle, Logan, Lowe, Meeker, Mitchell, Mooney, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Real, Rich, Roberts, Robinson, Rose, Shelby, Simonson, Sluss, Steele, Stewart, Summers, Tevis, and Tingley.—44.

There not being a quorum of members present the motion was lost.

Mr. Gorman moved to recommit the bill to a select committee with instructions to strike out college fund ;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Brown of D., Butler of Van., Butterfield, Carter, Davis of M., Edwards, Francis, Gorman, Hargrove, Hawkins, Hiatt, Jackson, Major, Moore of F., Simonson, Sluss, Stratton, Thompson, and Mr. Speaker.—19.

Those who voted in the negative were,

Messrs. Bales, Bowers, Brown of W., Chrisman, Clements, Cuppy, Denny, Dufour, Dunn, Edmonston, English, Foulke, Gilbert, Goode-now, Hillis, Hodges, Jones, Lingle, Logan, Lowe, Mathers, Meeker, Montague, Mooney, Moore of O., Nees, Norvell, O'Neal, Osborn, Peak, Real, Rich, Roberts, Rose, Shelby, Shoup, Steele, Stewart, Summers, Sumner, Tingley and Whight.—39.

There not being a quorum of members present the motion was lost.

The question then recurring on the passage of the bill,

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bowers, Bradley, Brown of Marion, Brown of Rush, Butterfield, Campbell, Butler of V., Chrisman, Clements, Davis of M., Cuppy, Denny, Dufour, Dunn, Edmonston, English, Flannegan, Foulke, Fuller, Gorman, Hargrove, Hardin, Hawkins, Hillis, Hodges, Jackson, Jones, Lee, Lingle, Logan, Lowe, Mathers, Meeker, Millikin, Mooney, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Peak, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Sluss, Steele, Stewart, Strain, Summers, Tevis, Tingley, Whight and Mr. Speaker.—59.

Those who voted in the negative were,

Messrs. Francis, Parker, Patrick, Stratton and Thompson.—6.

There not being a quorum of members present the bill was lost on its passage.

Mr. Lowe moved to reconsider the vote just taken on the passage of bill No. 365 ;

Which motion prevailed.

Mr. Shoup moved the previous question ;

Which was seconded by the House.

The question then recurred,
 "Shall the main question be now put?"
 Which was decided in the affirmative.
 The main question was then put, to-wit :
 "Shall the bill pass?"

And the ayes and noes having been demanded by Messrs. Shoup and Norvell :

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of Marion, Brown of Rush, Brown of W., Butler of Randolph, Butler of Vanderburgh, Campbell, Carter, Chrisman, Claypool, Clements, Cuppy, Denny, Dufour, Dunn, Edmonston, English, Flannegan, Fuller, Goodenow, Hardin, Hiatt, Hillis, Hodges, Jackson, Jones, Lee, Lingle, Logan, Lowe, Major, Mathers, Meeker, Millikin, Mooney, Moore of F., Moore of Owen, Nees, Norvell, O'Neal, Osborn, Peak, Prilliman, Proctor, Real, Rich, Roberts, Robinson, Rose, Shelby, Shoup, Simonson, Steele, Stewart, Strain, Summers, Tevis, Tingley, Whight and Mr. Speaker.—60.

Those who voted in the negative were,

Messrs. Bradley, Huckaby, Montague, Parker, Stratton, Swihart and Thompson.—7.

So said bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Simonson, chairman of the committee on the affairs of the State Prison, made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison to which was re-committed a resolution of this House, instructing them to report a joint resolution in regard to the State Prison, have directed me to report the following joint resolution:

No. 511. A joint resolution in relation to the State Prison;

Read three times and passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Steele, from the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs to whom was referred a communication of His Excellency the Governor, enclosing a report of the Quarter-Master General, in answer to a resolution of this House, enquiring into the amount of public arms received from the United

States, and the discription thereof, the manner of distribution thereof, and to what Brigades they may have been assigned,

REPORT,

That owing to the late hour at which the communication referred to, was received by your committee, they have not had time to give the subject that investigation which its importance demands. It is apparent, that under existing laws, Indiana is not receiving one-half of the public arms which the laws of Congress entitle her to; that there has been no return to the Commander-in-chief of the militia of the State since 1833. Hence the injustice complained of, is owing to the negligence of the proper militia officers of our State, and not to any defect in the laws of Congress; nor can it be justly attributable to our own militia laws, but to a general disregard of them. To remedy this, and the only one which seems to suggest itself to the committee as at all practicable, until public opinion shall again favor militia masters, your committee have adopted the returns of taxable polls annually made to the Auditor's office for the State, as the number of militia upon which the State claims her quota of United State arms, and have reported herewith a joint resolution to carry these recommendations into effect entitled, "a joint resolution ascertaining the strength of the militia of the State of Indiana," in which the concurrence of the House is requested;

No. 512. A joint resolution ascertaining the strength of the militia of the State of Indiana;

Read a first and second times, when

Mr. Gorman moved that the rule be suspended, the joint resolution read a third time now;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Baker, Bowers, Brown of M., Brown of R., Brown of White, Butler of Vanderburgh, Carter, Denny, Dufour, Dunn, Edwards, English, Fuller, Hargrove, Hawkins, Hillis, Hodges, Lee, Logan, Matheny, Meeker, Mooney, Moore of O., Nees, Norvell, O'Neal, Osborn, Peak, Proctor, Real, Rich, Roberts, Rose, [Shelby, Shoup, Simonson, Steele, Tevis, Thompson and Whight—33.

Those who voted in the negative were,

Messrs. Bradley, Davis of Madison, Foulke, Francis, Goodenow, Hardin, Lingle, Millikin, Mitchell, Montague, Moore of F., and Stratton—12.

There not being a quorum of members present the joint resolution was lost.

Mr. Bradley moved to reconsider the vote just taken on the passage of joint resolution No. 512;

Which motion prevailed.

The question then recurred, shall the joint resolution pass?

Which was decided in the affirmative.

On motion,

The House took up bills,

No. 510. An act supplemental to an act regulating the courts in the fifth and eighth circuits;

No. 477. A bill for the relief of a certain person therein named;

No. 506. An act defining the duties of certain persons therein named, in Owen county;

No. 208. (Of the Senate) an act supplemental to an act entitled "an act legalizing the ordinances of the borough council of the borough of Richmond, and the city council of the city of Richmond, and for other purposes;

Also, joint resolution,

No. 460. A joint resolution relative to the towing path bridge across the Wabash river; all of which were

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

BILLS ON THIRD READING.

No. 144. (Of the Senate) an act to amend an act entitled "an act for the election of county assessors;

No. 497. A act for the relief of pre-emptioners in Miami county;

No. 347. An act to make the one fourth of one per cent. Treasury Notes bear six per cent. interest,

No. 164. (Of the Senate) An act declaring sugar creek a public highway, and for other purposes;

No. 134. (Of the Senate) an act to amend an act entitled an act to amend an act entitled "an act to organize the militia of Indiana, approved Feb. 10th, 1831, approved Jan. 31st, 1842;

No. 206. (Of the Senate) a bill to amend an act entitled "an act to provide for a more uniform mode of doing township business in the several counties therein named;

No. 330. An act in relation to the White river bridge, in Marion county;

No. 452. A bill to provide for the education of the deaf and dumb;

No. 200. (Of the Senate) an act reducing the fees of auditors of Morgan, Owen, Knox, Gibson, Monroe and Fountain counties;

No. 461. A bill to establish an asylum for the education of the deaf and dumb persons in the State of Indiana;

All of which were read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 356. An act to amend an act, approved Feb. 24th, 1840;
Was read a third time and lost on its passage.

No. 468. A bill to reduce the cost of enrolling the acts of the
General Assembly;

Was read a third time, and

On motion,

Laid on the table.

BILLS ON A SECOND READING.

No. 122. (Of the Senate) an act for the relief of the borrowers
of the sinking fund, surplus revenue fund, saline fund, college fund
and school fund;

No. 92. (Of the Senate) an act prescribing certain duties to the com-
missioners and agents on the public works;

No. 75. (Of the Senate) a joint resolution on the Subject of a lu-
natic asylum;

No. 504. A bill to authorize the commissioners on the Wabash
and Erie canal east and west of Tippecanoe, to sell canal lands in 40
acre tracts;

No. 177. (Of the Senate) an act fixing the time of holding courts
in the first judicial circuit;

No. 106. (Of the Senate) an act to locate a State road in Fulton
county;

No. 168. (Of the Senate) an act consolidating certain school dis-
tricts in Hancock county;

No. 180. (Of the Senate) an act to authorize George Richards and
others to file their claim against school district No. 1, township 12
north, of range 2 east, in Morgan county;

Were severally read a second and third times and passed.

Ordered, That the Clerk inform the Senate thereof.

No. 408. A bill in relation to public nuisances caused by roads or
canals ceded by the State associations;

No. 437. An act to authorize Levi M. R. Pumphrey to build a
mill dam across White river;

Were read a second time and ordered to be engrossed.

No. 503. A joint resolution in relation to the folding of the re-
vised laws;

No. 407. An act regulating the salaries of Auditor, Secretary and
Treasurer of State;

Were read a second time,

And on motion,

Laid on the table.

No. 207. A bill in relation to the printing and the distribution of
the Revised Statutes and General and Local laws;

Was read second time, and

On motion of Mr. Thompson,

Amended by adding the following additional section, to-wit:

"That so much of the revision as relates to the duties of county auditors, county assessors, county treasurers, and the whole chapter "on the assessment and collection of taxes," occupying eleven articles, be, and the same are hereby declared to take effect on the first of March next, and it shall be the duty of the Secretary of State to cause to be printed as soon as practicable, 200 copies thereof, to be stitched and by him forwarded as follows: one copy to each county auditor, and one copy to each county treasurer;"

When the rules were suspended;

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The House took up the following message, which was received from the Senate by *Mr. Maguire* their Principal Secretary:

MR. SPEAKER:

The Senate insists on its amendment to the bill of the House of Representatives No. 299, to improve certain State roads therein named, and Messrs. Sinclear and Mitchell are appointed a committee of conference on the part of the Senate to act with a similar committee which has been appointed on the part of the House of Representatives in relation to said bill.

The Senate has passed an engrossed bill thereof entitled

No. 161. An act to remove the land office for the sale of the lands donated by the United States to the State of Indiana, and for other purposes;

In which the concurrence of the House of Representatives is requested.

No. 161. Mentioned in said message, was

Read a first time and passed to a second reading on to-morrow.

The House took up the following message which was received from the Senate by *Mr. Wright*, a Senator:

MR. SPEAKER:

The Senate has passed, with amendments, engrossed bills of the House of Representatives, entitled as follows, viz:

No. 432. An act to amend the act in relation to distribution and dower;

No. 450. An act to incorporate the Dayton band;

In which amendments the concurrence of the House of Representatives is requested.

Mr. Bradley moved to concur in the amendment of the Senate to bill

No. 432. Mentioned in said message;

Which was agreed to.

The following message was received from the Senate by *Mr. Wright*, a Senator:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have passed bill of the House No. 497, of courts, of justices of the peace and of constables, without amendment.

The House took up the following message of the Senate, which was received by Mr. Harris, a Senator:

MR. SPEAKER:

The Senate has concurred in the amendment of the House to bill of the Senate,

No. 148. An act for the collection and settlement of the funds belonging to the Delphi Insurance company;

With an amendment, in which the concurrence of the House is respectfully requested.

The amendment of the Senate to said bill

No. 148. Was concurred in by the House.

The House took up the following message of the Senate, which was received by Mr. Farquhar, their Assistant Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed engrossed bills and joint resolutions as follows, to-wit:

No. 216. A joint resolution for the preservation of the books and papers belonging to the system of internal improvements, and for other purposes;

No. 218. A bill for the safe keeping of the common school fund; Also, a bill of the House of Representatives,

No. 314. Relating to taxation for State purposes, and the redemption of Treasury Notes;

In which bills and joint resolutions of the Senate, the concurrence of the House of Representatives is respectfully requested.

Joint resolution No. 216, bill No. 218 and bill of the House of Representatives No. 314, mentioned in said message,

Were severally read a first and second times and passed to third reading on to-morrow.

The House took up the following message from the Senate, which was received by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives entitled,

No. 258. An act to amend an act entitled, "an act repealing the

18th, 21st, and 23d, sections of the act prescribing the duties of county treasurers ;

No. 304. An act to compel supervisors to expend money in their hands ;

No. 314. An act to incorporate the Perrysville Canal Lock Company ;

No. 346. An act relating to the jurisdiction of justices of the peace in Crawford, St. Joseph, Franklin, and Laporte counties ;

No. 436. An act concerning roads ;

The first named without amendment, and each of the others with amendments ;

In which the concurrence of the House is respectfully requested.

The amendments of the Senate to bills of the House,

Nos. 304, 314, 346 and 436, mentioned in said message were concurred in by the House.

The House took up the following message of the Senate, which was received by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

The Senate has passed engrossed bills thereof entitled,

No. 209. An act remitting the penalties for the non-payment of taxes in certain cases ;

No. 212. An act for the relief of the late sheriff of Jackson county ;

No. 215. A joint resolution for the relief of the estate of Ezekiel L. Dunbar, deceased ;

In which I am directed to ask the concurrence of the House of Representatives.

No. 209, mentioned in said message, was read a first time and passed to a second reading on to-morrow.

Nos. 212 and 215, mentioned in said message, were severally read three times and passed.

Ordered, That the clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Maguire their Principal Secretary :

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz :

No. 327. An act supplemental to an act entitled, "an act for the relief of the borrowers of the surplus revenue funds, sinking funds, and other funds, and for the better securing the payment thereof," (approved January 31st, 1842;))

No. 418. An act to repeal the 16th section of an act entitled, "an act prescribing the duties of county treasurer," (approved February 12th, 1841 ;)

No. 488. An act to re-locate the county seat of Clay county ;
 No. 491. An act to abolish complete records in certain criminal cases ;

No. 493. An act to authorize a special term of the probate court in Allen county ;

Also, with an amendment, a joint resolution entitled,

No. 464. A joint resolution in regard to pre-emptioners ;

In which the concurrence of the House of Representatives is requested.

The Senate has also passed an engrossed bill thereof entitled,

No. 208. An act supplemental to an act entitled, "an act legalizing the ordinances of the Borough Council of the Borough of Richmond, and the City Council of the city of Richmond, and for other purposes ;

In which the concurrence of the House of Representatives is requested.

The amendment to joint resolution No. 464, mentioned in said message was concurred in by the House.

The House took up the following message, which was received by Mr. Harris, a Senator :

MR. SPEAKER:

The Senate has passed with great unanimity, the following engrossed bill thereof :

No. 213. An act providing an additional means for the improvement of public roads and highways, in the county of Carroll ;

In which the concurrence of the House of Representatives is very respectfully requested.

Said bill No. 213, mentioned in said message, was taken up,

Read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Hon. C. W. Cady, Secretary of the Indiana Mutual Fire Insurance Company ;

Which was, on motion, laid on the table.

Mr. Dufour, from the committee of ways and means, made the following report :

MR. SPEAKER :

The undersigned, members of the committee of ways and means, have examined, counted, and defaced, the following State Bonds of Indiana of various dates, to-wit :

187	bonds	filed	with	the	Treasurer	by	N. Noble,	(no	int.)	\$187	000
22	"	"	"	"	"	"	"	"	"	22	000
175	"	rec'd	of	the	Lawrenceburgh	and	Indianapolis				
		railroad	company,	with	the	interest	allowed,			182	975

384 All of which bonds are on file in the office of Treasurer of State, - - - \$391 975

The undersigned have also examined, counted, and defaced, the following State Bonds, which are in the office of the Agent of State, being of different dates, and some of them sterling and others dollar bonds, with the coupons attached, to-wit :

106 bonds of different dates, received from different persons,	- - - - -	\$106,000 00
28 5 yr. and 7 per cent. bonds	- - - - -	28,000 00
4 bonds received of the bank of Buffalo, N. Y.,		4,000 00
124 " different dates, received of different persons,		124,000 00

262 Making in the whole, 646 bonds, amounting to the sum of \$653,975, - - - \$262,000 00

Including the sum of \$7,975 00 interest allowed on that portion of the bonds received from the Lawrenceburgh and Indianapolis railroad company, in payment of the debt due by said company to the State. All of which is respectfully submitted.

PERRET DUFOUR,
G. P. R. WILSON,
SAML. GOODENOW,
ALVAN THOMAS WHIGHT.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate adheres to its amendment to engrossed bill of the House of Representatives,

No. 303. An act to confine the voters of certain counties therein named to their respective townships.

The Senate also adheres to its disagreement to the amendment of the House of Representatives to joint resolution of the Senate,

No. 1. A joint resolution in relation to the fine imposed upon General Jackson by the District Court of Louisiana.

No. 303, mentioned in said message was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

And the Speaker adjourned the House until 8½ o'clock, A. M., tomorrow.

SATURDAY MORNING, FEB. 11th, 1843.

The House met pursuant to adjournment.

BILLS INTRODUCED.

Mr. Summers, by unanimous consent, introduced bill, No. 513. An act to establish a State road in Henry county ;

Read three several times and passed.

Ordered, That Mr. Summers inform the Senate thereof.

Mr. Thompson, a member of the committee on education, made the following report :

MR. SPEAKER :

The undersigned, members of the committee of education ; to whom was referred the following resolution of the House, viz :

Resolved, That the committee on education be instructed to enquire into the expediency of reporting a bill appropriating the proceeds of the sales of the remainder of the Wabash and Erie canal lands east of the Tippecanoe river, for purposes of common school education, of asylums for the blind and deaf and dumb, &c., have had the same under advisement, and have directed me to report :

That regarding the said resolution as a proposal to enact a law equally unconstitutional and (without designing any imputation upon the mover or its friends) as they conceive, unjust and immoral, it can never in any way meet with their sanction.

The undersigned regard the resolution as violating the Constitution by directly infringing a contract solemnly made ; as perverting the objects of an expressly restricted and holy trust, and as directly perpetrating that most abhorrent of State vices, the vice of *repudiation*. It cannot be a fact unknown to this House, that the lands whose proceeds are thus proposed to be diverted to the purposes contemplated in the resolution, are lands which were expressly ceded by the General Government, by virtue of an act of Congress, (approved 2d February, 1827.) to the State of Indiana for the purpose of aiding the said State in opening a canal to connect the navigable waters of the Wabash river with those of Lake Erie, and (in the language of the act of Congress) "to be subject to the disposal of the Legislature of said State for the *purposes aforesaid and for no other.*" The terms of this cession are plain : they were accepted by the State ; loans were procured from foreign sources, based upon these lands as their sureties, and the Legislature of Indiana by repeated acts of the General Assembly have irrevocably pledged those lands to such creditors of the State for the execution of the terms of the cession ; and not only have these lands been thus irrevocably pledged, but the State by her Legislature has gone still further and pledged for the faithful carrying out of this

trust of the General Government, the sufficiency of these lands, or in other words, that the lands ceded are sufficient to complete the said canal ; thereby of course meaning that if the lands shall fail to be ample to complete the work that the State stands as the guarantor for any deficit over and above the proceeds of said lands, which the completion of the canal may create. The act of Congress pointing out the terms of the cession has already been referred to.

The acceptance of those terms by the State of Indiana, and her irrevocable pledge, and appropriation of such lands and of all moneys in any manner arising from them to the purposes of such cession, will be found in the 5th section of "an act supplemental to an act providing means for the construction of the Wabash and Erie canal," (approved January 9th, 1832,) and by subsequent acts passed at the sessions of 1834—'36 and '38. Upon the pledge of our integrity as a State, it is then evident that the General Government ceded us these lands for the sole and special purpose of completing said canal. Upon the faith of these repeated pledges of our Legislature, foreign creditors have loaned us their money for the construction of this canal, trusting to the irrevocably pledged lands, and the guarantee of the faith of the State of their sufficiency for the payment of our bonds which they held.

Among our creditors, are widows and orphan children, whose all has been invested in our stocks, or in other words, in our thus solemnly plighted honor—widows and orphans, whose memorials have crowded this Hall, and appealed to our hearts with the appalling history of domestic misery, whose aggregate presents them to us as pineing in abject penury and mean dependence, the victims of the non-ability of the State of Indiana to meet her foreign debt, of which their means of existence constitutes a portion.

And yet, strange to say, we are requested to enquire into the expediency of reporting a law, to appropriate the remainder of the funds thus derived from lands thus specifically ceded to us in trust ; thus solemnly and repeatedly and irrevocably pledged to the confiding and ruined bond-holders and stock-holders, of the dependent and suffering class enumerated, not to the purposes of that trust, not to the carrying out of this often and irrevocably plighted faith, but to the foreign and unwarrantable purpose of common schools and asylums for the deaf, dumb and blind, in our own midst ! It is a proposition which the undersigned are constrained to pronounce as shocking and revolting in the extreme.

While the undersigned would go to the uttermost verge of their ability to provide a thorough system of education for the people of Indiana and to provide for the indigent deaf, dumb and blind in their midst, they cannot consent with so specious a veil as the avowed object of this resolution presents, to cover up so horrible a wrong as that would be, which to provide the means for the accomplishment of such objects, proposes to break solemn faith with the General Government, to laugh our own repeatedly and forever pledged honor to

scorn ; and to filch from ruined and confiding and suffering creditors the last hope to which their shattered fortunes cling. Rather than that a system of common schools and charitable benevolence should take root in such a soil, the undersigned would prefer the pall of honest ignorance to overspread the land, and that the curse of blindness and deafness should fall upon our people, that they might not see nor hear of the perfidious reproach which such legislation would entail upon them and upon their children.

In our own estimation, and in that of the world, Indiana has already lost all but her honor. Her unfortunate legislation has covered the land with those to whom the ultimate redemption of that honor is the only light that breaks over the gloom with which her inability to meet her obligations has darkened her thresholds. Shall we, by legislation of the nature proposed, strip ourselves of character as well as of means, and add the foulest knavery to the most unfortunate inability. Shall we cruelly and dishonestly point mankind to schools and asylums founded with gains wrongfully filched from the General Government, morally robbed from the pockets of foreign creditors and nurtured with the pittance of suffering women and children, whose only crime has been the credulous belief that the State of Indiana is honest, able, and just ? The curse of a righteous God throughout all time, if there be justice in Heaven, would visit such a deed and its results with His heaviest retribution. We owe a debt to foreign creditors,—we owe the debt of example to our sister States of this confederacy, and above all, we owe to ourselves a high, a sacred, and a most holy obligation. True it is that the first of these obligations cannot now be wholly paid, for misfortune rests upon us ; but we are young ; we are healthy ; we are the producers of wealth, and with the blessing of a hitherto fostering Providence the time is not far distant, when with the aid of honest and prudent general and domestic legislation, even our foreign creditors will be fully righted ; and when the means towards the attainment of this desirable end shall be in good faith set on foot, the debt of our example will also be discharged. But the obligation which we owe to ourselves and to each other, in the preservation of our untarnished honor, it is at all times within our compass to discharge by fulfilling what every tie of moral integrity requires of us to fulfil. This end will not be attained by the unrighteous mal-appropriation to our own purposes of that which justly belongs to others, (as the committee respectfully conceive, it is hoped undesignedly, to be the effect of the resolution under their advisement,) but it is within our attainment by a firm and sacred adherence to the right ; by suffering that which is not our own to remain as the guarantee of those who in good faith have confided in it, and by solemn declaration to all men, that our legislation, our soil, and the industry of our people are forever pledged to the payment of the last farthing of the just indebtedness of Indiana.

The undersigned, therefore, in view of the considerations urged, consider legislation on that subject inexpedient, and ask to be discharged.

L. G. THOMPSON,
J. H. BRADLEY,
H. H. MARVIN,
G. SWIHART.

Which report was concurred in by the House.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate refuses to concur in the amendment of the House to bill of the Senate,

No. 72. An act to modify the power to sell or remove the public county buildings in the county of Knox.

On motion of Mr. Gorman,

The House adheres to its amendment to bill No. 72, mentioned in said message.

The following message was received from the Senate by Mr. Maguire, their Principal Secretary :

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills and joint resolutions entitled as follows, without amendment :

No. 268. An act authorizing Smith Lousbury to build a mill dam across the Salamonie river, and for other purposes ;

No. 285. An act to change certain alleys in the town of Eagle Village, Boone county ;

No. 274. An act to legalize the will of Rowland Hunter, deceased ;

No. 294. An act to appropriate a certain sum of money to purchase books for the use of the prisoners in the State prison ;

No. 305. An act to review a State road therein named ;

No. 500. A joint resolution relative to the distribution of certain public documents ;

No. 509. A joint resolution declaring a certain provision of the Revised Statutes to be in force ;

No. 499. An act authorizing the relocation of a part of a certain State road in the county of Clay ;

No. 498. An act to amend an act entitled, "an act for the preservation of sheep," (approved January 5th, 1841 ;)

No. 459. An act supplemental to the act authorizing a subscription for the History of the State of Indiana ;

No. 339. An act for the relief of sundry citizens of the town of Charlestown, Clark county ;

No. 342. An act for the relief of Alexander Rey ;

No. 343. An act amendatory and explanatory of an act entitled, "an act relating to the Vevay Seminary," (approved January 18th, 1842;)

No. 359. An act to authorize Amos Myers to build a mill dam across White river in Morgan county ;

No. 369. An act to legalize the acts of Conrad Beard of White-river township, Hamilton county ;

No. 319. An act relative to the three per cent. fund, and for other purposes ;

No. 316. An act making general appropriations for the year 1843.

The Senate has also passed, with amendments, engrossed bills of the House of Representatives entitled,

No. 333. An act to restrict the county commissioners of the counties of Allen, Laporte, Steuben, Jay, and Adams ;

No. 357. An act for the relief of Congressional township No. 33 north, of range No. 6 west, in Porter county ;

No. 490. An act to declare and correct a misprint, and for other purposes ;

Also, a joint resolution entitled,

No. 295. A joint resolution in relation to the establishment of Marine Hospitals on the Mississippi and its tributaries, and the great Northern Lakes, for the benefit of the sick and disabled boatman, without amendment ;

In which amendments of the Senate to bills of the House I am directed to ask the concurrence of the House of Representatives.

The Senate has also passed engrossed bills thereof entitled,

No. 186. An act to regulate the admission of negro and mulatto children into the public district schools ;

No. 187. A joint resolution relative to American State papers ;

In which the concurrence of the House of Representatives is requested.

No. 186, of the Senate, mentioned in said message, was read a first and second times and laid on the table.

The amendments of the Senate to bills of the House Nos. 333 and 357 mentioned in said message were concurred in by the House.

The amendment of bill No. 490, mentioned in said message was not concurred in by the House.

No. 295, mentioned in said message, amendment concurred in.

No. 187, of the Senate, mentioned in said message was read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from His Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency, the Governor, to inform the House of Representatives that he has this day approved and signed the following acts and joint resolutions:

No. 231. An act in relation to the three per cent. fund in Monroe county;

No. 206. An act to extend the jurisdiction of justices of the peace and constables in certain cases therein named;

No. 203. An act amendatory to an act entitled "an act appointing commissioners to locate and relocate State roads therein named, and for other purposes, approved Jan. 31st, 1842;

No. 191. An act for the relief of Nathan Burchfield;

No. 188. An act for the relief of David Matlock, road commissioner of Hendricks county;

No. 374. An act for the relief of Amory Kinney, Salmon Wright & Samuel B. Gookins;

No. 27. An act relative to summoning petit jurors in the counties of Sullivan, Madison, Owen and Vermillion;

No. 479. An act to repeal a part of the fifth section of an act entitled "an act to incorporate the Indiana Iron Manufacturing Company," approved Jan. 20th, 1841;

No. 463. An act to repeal certain parts of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved Feb. 17th, 1838, so far as the same relates to the county of Clay;

No. 423. An act to amend an act entitled "an act to organize the militia of the State of Indiana," approved Feb. 10th, 1831, approved Jan. 31st, 1842;

No. 420. An act regulating elections in the county of Shelby;

No. 417. An act in relation to canal land patents;

No. 415. An act for the relief of purchasers of seminary lands in Monroe county;

No. 411. An act for the relief of the board doing county business in the county of Clay;

No. 409. An act to authorize the rebuilding a bridge across the canal at Logansport;

No. 231. An act regulating the compensation of road supervisors in the counties of Rush and Hancock;

No. 296. An act to change a certain State road therein named;

No. 249. An act for the relief of the tax payers of Franklin township, Washington county Indiana;

No. 236. An act to amend an act entitled "an act to incorporate the Hagerstown canal company," approved Feb. 1st, 1841;

No. 248. An act to change the time of holding probate courts in the county of Vigo;

No. 221. A joint resolution for the relief Andrew Wilson commissioner of the French Lick Reserve, in Orange county;

No. 240. A joint resolution for the benefit of James McLean of Parke county Indiana, a deaf and dumb person;

No. 219. A joint resolution in relation to the valuation of mills and manufactories propelled by water power;

All of which originated in the House of Representatives.

Mr. Hawkins, from the select committee upon that subject, made the following report:

MR. SPEAKER:

The select committee to which was referred the petition of James Crabb, Samuel L. Rugg and other citizens of Adams county, praying the passage of an act imposing a road tax of two cents on each acre of land in said county, have had the same under consideration, and report, that a special act upon that subject embracing the said county of Adams, has already been passed by the Legislature, and although, the provisions of said act are not in conformity with the prayer of the petitioners, your committee are aware that several attempts have been made unsuccessfully during the present session, to impose a road tax upon *lands alone*, and that the attempt to further extend that subject, would endanger the laws already passed; they therefore ask to be discharged from the further consideration of the subject.

Which report was concurred in by the House and the committee discharged.

Mr. Tingley, from the committee on on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined a joint resolution of the House, No. 419, "an act defining the duties of Sheriff in the counties of Owen and Hancock," and find the same correctly enrolled;

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Proctor, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, respectfully report, by Mr. Proctor, a member, that they have examined enrolled bill No. 419, "an act defining the duties of Sheriffs in the counties of Owen and Hancock," and find the same to be correctly enrolled;

Whereupon the Speaker signed the same.

Ordered, That the clerk carry the same to the Senate for the signature of the President thereof.

Mr. Bradley presented the following protest:

The undersigned, members of the House of Representatives, are reluctantly compelled to protest against the passage, by the majority, of the following resolutions, to-wit:

Resolved, That William J. Brown, late State Librarian, did faithfully and impartially discharge the duties of such office, and has fully accounted for, and paid over all moneys by him received, by virtue of his said office.

Resolved, That the Treasurer of State be, and he is hereby directed not to pay the amount of warrant, number 5806, drawn by the Auditor of State in favor of W. W. Reed, and that the Principal Clerk of this House furnish the Treasurer with a copy of this resolution forthwith.

Resolved, That the Auditor of State is hereby directed and required upon the delivery to him of warrant number 5806, to cancel the same and to draw a warrant upon the Treasurer of State in favor of W. W. Reed, of Hartford, Connecticut, for the sum of two hundred dollars and ninety-one cents, and that the Principal Clerk of this House [furnish the Auditor with a copy of this resolution forthwith.

They protest against the first of the above resolutions, because the said William J. Brown is most clearly and conclusively a defaulter to the State of Indiana, in the sum of \$143 72, and they can never consent, while respect for their constitutional obligations governs their action, to pronounce as Legislators, that a defalcation "*is a faithful and impartial discharge of public duties, or a payning over all moneys received by virtue of such defaulter's office.*"

The proof upon which this defalcation of Mr. Brown rests, is so clear, that the undersigned cannot avoid the expression of their surprise, that it should fail to convince the simplest intelligence. They conceive it to be evident from the reports and certificates of Mr. Brown himself.

A reference to his reports, and to a statement made by him to the committee on the State Library, at the session of 1841-2, (see House Journal, page 573 and 4,) will show that during the year, 1840, and whilst he was the Secretary of State and State Librarian, he purchased of W. W. Reed, of Connecticut, a bill of books, amounting to the sum of \$344 63, and which books were purchased and delivered under the following order:

INDIANAPOLIS, JUNE 25, 1840.

Mr. W. W. Reed, Hartford, Conn:

Please forward to me, at Indianapolis, the following books for the State Library, of the State of Indiana, to-wit: History of the French Revolution, 3 volumes, Spark's Washington, Marshall's Colonial History, Marshall's Life of Washington, 2d volume of Bancroft's History of the United States, Debates in New York Convention, Blake's Biographical Dictionary, 4th volume, Portrait Gallery, Gizot's History of Civilization, Walker on Inter-marriages.

I wish Mr. Reed also to exercise his discretion in the purchase of 300 dollars worth of books of a scientific and literary character, for which he is to draw on the Secretary of State the first of January next.

WM. J. BROWN,
Secretary of State, Indiana.

That when said books were received by him, he placed only a part of them, amounting in value, to the sum of \$200 91, in the Library, and took the remainder away, and sold or used them or the money produced by their sale. The amount thus disposed of, appears to have been of the value of \$143 72. *He has never paid this sum into the treasury, or any part of it, or in any way accounted for it.* Nor has he ever, or the committee who reported the foregoing resolutions, pretended that he has done so.

The whole amount of the bill of Mr. Reed is yet unpaid, and the State is liable for it, and bound to pay it. The evidence of this indebtedness is also furnished by Mr. Brown himself, for it appears, in evidence, that on the 19th day of August last, (1842) he gave to Mr. Reed, to be used by him at the State Treasury, in obtaining his money, a certificate in the following words:

INDIANAPOLIS, AUG. 19, 1842.

"This certifies that W. W. Reed of Hartford, Connecticut, in the year, 1840, sent to my order as Secretary of State, books for the State Library, to the amount of \$344 63, *for which he has received no payment to my knowledge.*"

WM. J. BROWN.

TO M. MORRIS, A. P. A.

By the foregoing testimony, furnished by Mr. Brown, it is plain that the books purchased of Reed, were purchased for the use of the State, by its lawful officer, were delivered to the State, and that the whole amount of said bill is yet due, owing and unpaid.

It is also admitted, that at the end of the year, 1840, and at the expiration of his term of office as Secretary of State, Mr. Brown had in his hands of public money, drawn from the Treasury to be expended by him in the purchase of books for the State Library, the sum of \$98 81, and which ought to have been paid by him to Mr. Reed, on account of this purchase, but that instead of so doing, he retained the same in his own possession and use, from that time until the 5th day of December, 1842, a period of nearly two years, without in any way accounting for it or offering to do so.

It is further admitted that he has never paid to Mr. Reed nor to the State Treasury, the value or cost of that portion of the books taken by him from the Library and sold for his own benefit, and that he still holds the same unaccounted for.

The undersigned can conceive of no excuse for this wilful disre-

gard of his duty, and the evident injurious result of such conduct to the State Treasury. By his general order to Mr. Reed, he vested in him *a discretion* for the purchasing of books for our Library, which should only exist in our own agent, or at most in some disinterested person.

This discretion having been given to Mr. Reed, he had the right to exercise it, and Mr. Brown having made him his agent, he had no right to repudiate his acts. When the books arrived at the Library, it was the province of Brown, if he had left any power in himself, *to have accepted or refused them*. Not a part but the whole. He had no authority to receive some and refuse others, but was bound to take all or none. If he had accepted them, it would not follow that the State would be bound to pay the full charge for them, for if they were not as ordered, the damage or difference in value might be defalcated. If the whole lot was not as ordered, he might well have refused the whole, and clearly then, the State would not be liable to pay for any part of it.

The undersigned know of no motive other than self-interest, which should have induced Mr. Brown to pursue a different course, and they cannot therefore, justify him as faithfully discharging his duty. They believe he should be charged with, and that he stands legally bound to pay to the State the sum of \$143 72, with interest thereon from the first day of January 1841, and also with interest on \$98 81, (the amount of public money in his hands when he went out of office and kept and used by him) from the same time until December 5th 1842; altogether amounting to the sum of \$182 31, and that he is now a public defaulter to the Treasury and people of the State for that sum, and unless he shall pay it the State will suffer by him a loss to that amount.

The undersigned for the reasons and from the facts above stated, are at a loss to conceive how the majority of the committee to whom that subject was referred, arrived at their conclusions, and more especially to discover the "great clearness" of the accounts and vouchers from which they could draw such inferences. The undersigned cannot discover any other evidence of the manner by which Mr. Brown purchased those books, than his order before referred to, nor have they ever heard that any kind of books were forbidden to be purchased by him, or indeed of what character those were which he sold. There never has been any such evidence before the House, except the statements of Mr. Brown himself, and they conceive that under all circumstances, some other testimony was necessary. The undersigned believe the State honestly bound to pay to Mr. Reed the whole amount of his claim, and therefore cannot agree to do any act calculated to prevent or retard that payment. They, therefore, and for the reasons above stated, *protest* against the adoption of all the foregoing resolutions, and ask that this their protest be entered upon the Journals of the House.

L. G. Thomson,
 Septer Patrick,
 John Strain,
 John Davis,
 Newton Claypool,
 W. G. Coffin,
 Saml. Goodenow,
 R. N. Williams,
 George K. Steele,
 H. J. Bowers,
 J. Mathers,
 John Keel,
 Simon Summers,
 Minor Meeker,
 Allen Sumner,
 G. P. R. Wilson,
 Wm. Bales,
 John Hodges.

John H. Bradley,
 Daniel Stratton,
 Allen Hiatt,
 William Mitchell,
 G. C. Gilbert,
 Arza Lee,
 Nathaniel Butterfield,
 David Hillis,
 David Montague,
 William Brown Butler,
 Henry H. Marvin,
 John Francis,
 W. R. Foulke,
 H. C. Flannegan,
 Isaac Parker,
 J. B. Huckaby,
 Frederick Leslie,

On motion of Mr. Robinson,
 The House resolved itself into a committee of the whole on bill
 No. 317. An act making specific appropriations for the year 1843,
 With Mr. Robinson in the chair,

And after having spent some time therein, the committee rose, reported back to the House the bill with several amendments, and asked the concurrence of the House therein;

The question then recurred, will the House concur generally or severally?

The House determined to concur generally.

The question then being,

Will the House concur in the amendments as made by the committee of the whole?

Which was decided in the affirmative, and

The bill read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Sluss asked leave to withdraw from the files the petition of citizens of Monroe county in relation to the common school fund, &c;

Which was granted.

ORDERS OF THE DAY.

BILLS ON THEIR THIRD READING.—

No. 407. An act regulating the salaries of Auditor, Secretary and Treasurer of State;

Read a second time, and

Laid on the table.

No. 161. (Of the Senate) an act to remove the land office for the

sale of lands donated by the United States to the State of Indiana, and for other purposes;

Read a second time, when,

Mr. Thompson moved to amend by striking out "Logansport" and insert "Peru;"

Then, on motion,

The bill and pending amendment was laid on the table.

No. 501. A joint resolution in relation to the assumption of State debts by the General Government;

Read a second time, and

Laid on the table.

No. 178. (Of the Senate) a bill to provide for the improvement of the rapids of the Wabash river;

Read a second time, and

Laid on the table.

No. 152. (Of the Senate) an act to provide for the payment of taxes by non-residents through the State Treasury;

Read a second time, and

Laid on the table.

BILLS ON THEIR THIRD READING.

No. 209. (Of the Senate) an act remitting the penalties for the non-payment of taxes in certain cases ;

Read a third time and passed.

Ordered, That the clerk inform the Senate thereof.

No. 105. (Of the Senate) an act for the relief of Cornelius Ferree;

Read a third time, when

Mr. Roberts moved to lay the bill on the table;

And the ayes and noes having been demanded by Messrs. Roberts and Shoup:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Butler of Vanderburgh, Butterfield, Campbell, Claypool, Denny, Dufour, Francis, Hargrove, Lowe, Montague, Mooney, Moore of Floyd, Moore of Owen, Osborn, Roberts, Shoup, Sluss, Stratton, Tevis, Thompson and Wilson—21.

Those who voted in the negative were,

Messrs. Bales, Brown of Marion, Brown of Rush, Carter, Coffin, Gorman, Hawkins, Hillis, Hodges, Jackson, Johnson, Jones, Lingle, Major, Marvin, Matheny, Meeker, Millikin, Nelson, Peak, Robinson, Simonson, Steele and Mr. Speaker—24.

There not being a quorum of members present the motion was lost.

The question then recurring, shall the bill pass?

And the ayes and noes were demanded:

Those who voted in the affirmative were,

Messrs. Bales, Brown of M. Butler of Vanderburgh, Carter, Coffin, Francis, Hardin, Hawkins, Hiatt, Hillis, Hodges, Jackson, Johnson, Jones, Lee, Matheny, Meeker, Millikin, Nees, Nelson, Proctor, Robinson, Rose, Shelby, Steele, Stewart, Swihart, Tevis and Thompson—26.

Those who voted in the negative were,

Messrs. Bradley, Brown of White, Claypool, Clements, Denny, Dufour, Edwards, Foulk, Goodenow, Hargrove, Lowe, Marvin, Montague, Mooney, Moore of Floyd, Moore of Owen, Norvell, Osborn, Rich, Roberts, Simonson, Stratton and Tingley—23.

There not being a quorum present the bill was lost.

No. 408. A bill in relation to public nuisance caused by roads or canals ceded by the State to associations ;

Read a third time and laid on the table.

No. 218, (of the Senate,) An act for the safe keeping of the common school fund ;

Read a third time and laid on the table.

Mr. Jackson, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to which was referred the following resolution of this House, to-wit :

Resolved, That a select committee be appointed, whose duty it shall be to enquire and report to this House whether the commissioner of the Wabash and Erie canal east of Lafayette has leased any water power on said canal in any other manner than is provided for by law, and whether said commissioner has changed the location or character of any water power after the same has been leased according to law, without advertising for and receiving sealed proposals for said water power, as changed either in character or location,

Have had the same under consideration, and availed themselves of a written statement made at the request of the chairman of said committee, by Mr. Fisher ; as also the testimony of divers witnesses.

From the statement which accompanies the report of Mr. Fisher, as also the evidence of the witnesses, the committee have arrived at the conclusion, that the conduct of Mr. Fisher in the matters contained in the resolution of enquiry referred to said committee, has been altogether free from fault or censure.

The committee, therefore, ask to be discharged from the further consideration thereof.

G. P. R. WILSON,
L. G. THOMPSON,
JOHN JACKSON.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has passed, without amendment, engrossed bills of the House of Representatives,

No. 437. An act to authorize Levi M. R. Pumphrey to build a mill dam across White river;

No. 452. An act to provide for the education of the deaf and dumb;

No. 510. An act supplemental to an act fixing the time of holding courts in the 8th and 5th judicial circuits;

No. 424. An act supplemental to an act entitled, "an act for the relief of Reuben Main;"

The Senate has concurred, with two amendments, in the amendment of the House of Representatives to bill of the Senate,

No. 207. An act in relation to the printing and distribution of the Revised Statutes and General and Local Laws;

In which amendments of the Senate to the amendment of the House of Representatives the concurrence of the House is requested.

The amendment of the Senate to bill No. 207, mentioned in said message was concurred in by the House.

Mr. Leslie, from a select committee, made the following report:

MR. SPEAKER:

The undersigned, a part of the select committee appointed to investigate the official conduct of the Agent on the New Albany and Vincennes road, make the following report:

When said committee was first created, they held a meeting, and expecting the Agent of said road at the seat of Government, they postponed any action until he could have an opportunity to be heard. That Agent came as was expected, and explained all such matters as seemed to the committee necessary to an honorable acquittal of misfeasance in his official capacity; and more especially was the undersigned satisfied inasmuch as the only one of the petitioners, (*here*) declined giving any testimony before them, saying that all he knew was "*hearsay*," and that if we wished proof we would have to send for persons along the road. This the committee concluded not to do, for two reasons:

1st, Because they had not time; and,

2d, That the main charge against said Agent (in said petition) was, that he had spent over three thousand dollars on the road, while he had received on the same only fifteen hundred dollars. This your committee found incorrect, and therefore, the undersigned are satisfied that the charges made in said petition, have not been substantiated by testimony.

R. A. CLEMENTS,
FREDERICK LESLIE.

And, on motion,
The *House* adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. English, from the committee on enrolled bills, reports :

MR. SPEAKER :

The committee on enrolled bills report, that they have compared the enrolled bills, as follows :

No. 229. An act to incorporate the German Lutheran and Reformed Church of the city of New Albany.

No. 451. An act for the relief of Elizabeth Harris and Susannah Antin.

No. 327. An act supplemental to an act entitled, "an act for the relief of the borrowers of the sinking fund, surplus revenue fund, and other funds, and for the better securing the payment thereof," (approved January 31st, 1842.)

No. 217. An act in relation to letting of water power by the State of Indiana.

No. 225. An act amendatory of an act entitled, "an act to authorize the administrators of Matthew H. Kempton, deceased, to bring certain suits in Perry county," (approved January 29th, 1842.)

No. 17. An act to change the mode of doing county business in the counties of Warrick and Dubois.

No. 489. An act in relation to county seminaries.

No. 418. An act to repeal the 16th section of an act entitled, "an act prescribing the duties of county treasurers," (approved February 12th, 1841.)

No. 256. An act to provide for the election of Prosecuting Attorneys by the people.

No. 493. An act to authorize a special term of the probate court in Allen county.

No. 488. An act to relocate the county seat in Clay county.

No. 445. An act declaring a certain county road a State road, in the county of Clay.

No. 472. A joint resolution to suspend a certain act therein named, in Laporte, Tippecanoe, Randolph, and Delaware counties.

No. 314. An act relating to taxation for State purposes, and the redemption of treasury notes.

No. 493. An act to authorize a special term of the probate court in Allen county.

No. 491. An act abolishing a complete record in certain criminal cases.

No. 472. An act to amend act entitled, "an act to provide for a more uniform mode of doing township business in the several counties therein named," (approved February 17th, A. D. 1838.)

No. 314. An act to incorporate the Perrysville Canal Lock Company.

Whereupon the Speaker signed said bills.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

Mr. Goodenow, from the committee of ways and means, made the following report :

MR. SPEAKER:

The committee of ways and means, to whom was referred the memorial of certain holders of Indiana State Bonds,

REPORT,

That they have given the subject that careful consideration which its importance demands, and find very little in the aspect of our affairs calculated to relieve the anxiety of the memorialists. Unpleasant and painful to honorable minds must ever be the consciousness of a failure to meet honest engagements; yet we have to admit that promptitude has not characterized our transactions with our public creditors; nevertheless your committee believe that the idea of repudiating our indebtedness will never be entertained by the intelligent citizens of Indiana. This failure on the part of the State is owing to several facts, in connection with the same cause: We sold upwards of \$3,000,000 of State bonds in eastern markets for which we have not received payment, and the failure on the part of our debtors left us no alternative in the settlement with contractors on the public works but to issue \$1,500,000 of treasury notes, made receivable for all State dues. Until this amount shall be cancelled at the State Treasury, which at the present rate of taxation cannot be done in less than three years, an effectual barrier is interposed to the payment of any part of

the interest on the public debt, except on that part created on account of bank stock. These failures and their consequent train of evils, your committee are unanimous in ascribing to the unsettled state of the currency with which the Union has for several years past been afflicted. To the unnatural expansion of the currency at the time our indebtedness was contracted, may be traced the spirit of over-trading and of reckless adventure so prevalent at that period. This wild spirit of speculation, together with the expectation of liberal aid from the General Government, by the deposit of surplus revenue and distribution of the proceeds of the public lands, seems to have taken the place of sober reason, in directing our councils in the inception and prosecution of our system of internal improvements. The shock produced by the reaction necessarily following such a diseased inflation of the currency has been severely felt. Much as we deplore its effects, we do not find the sole cause to exist in the action of the State Government. Until measures shall be adopted by the General Government calculated to furnish a sound circulating medium, we may in vain look for a restoration of public credit, and until then we can expect very little revenue from our public works or from any other source than direct taxation, which owing to the contraction of the currency and the low prices of produce, cannot be increased without oppressing our citizens. The public debt on account of which, no means are provided for the payment of interest, amounts according to the Auditor's report made to the present session of the General Assembly, to about twelve millions of dollars. From the report of the Agent of State, it is expected that something may be realized from our suspended debt, by means of which our present indebtedness may be reduced, and the money due on the sales of the canal lands, with the tolls and water rents accruing on the Wabash and Erie canal (now finished from Lafayette to Lake Erie) will tend materially to the same object. Dark as is the picture presented by this review of our condition, your committee find some consolation in the belief that notwithstanding the financial gloom with which our affairs are now enveloped, the natural resources of the country, aided by the moral and physical energies of our citizens, will eventually relieve the country from its present embarrassments. We are possessed of a soil luxuriantly fertile, of a salubrious climate, and of commercial and manufacturing privileges not surpassed by any of the western States ; and notwithstanding the scarcity of money and the disadvantages above-mentioned, there has been a steady increase in the amount of permanent improvements and substantial wealth of the country ; and the intention of our citizens to meet the public demands as soon as circumstances will permit, we do not doubt. A candid exposition of the state of our affairs was thought to be due to our public creditors; and if in it, they discover little prospect of soon receiving their dues, they

will at least find that our want of punctuality has resulted from necessity and not from choice.

GEO. P. R. WILSON,
SAML. GOODENOW,
R. N. WILLIAMS.

The undersigned dissent from so much of the foregoing report as relates to the expectation of aid from the General Government in prosecuting the public works, or sustaining the credit of the State.

The undersigned also dissent from so much of the foregoing report as relates to the action of the General Government in bringing about the disastrous results to the credit of the State, and as to the future action of the General Government restoring the credit of the State; as in the opinion of the undersigned the future good or bad standing of the credit of the State depends on the action of the State Government alone.

PERRET DUFOUR,
ABRAHAM CUPPY.

Mr. Tingley, from the committee on eurolled bills, made the following report :

MR. SPEAKER :

The committee on enrolled bills have examined joint resolution of the House,

No. 460. A joint resolution relative to the Wabash and Erie canal towing path bridge ;

And find the same correctly enrolled.

Whereupon the Speaker signed the same.

Ordered, That the Clerk carry them to the Senate for the signature of the President thereof.

The following message was received from the Senate by Mr. McGuire, their Principal Secretary :

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives with sundry amendments, entitled:

No. 317. An act making specific appropriations for the year 1843;

In which amendments the concurrence of the House is respectfully requested.

The amendments of the Senate to bill

No. 317. Mentioned in said message,

Were concurred in by the House.

Mr. Nees, from the committee on military affairs, made the following report:

MR. SPEAKER:

The committee on military affairs to which was referred a resolution of this House, instructing the committee to enquire into the expediency of instructing our Senators in Congress and requesting our Representatives to vote against any appropriation to the West Point Military Academy, have had that subject under consideration, and have directed me to report, that in their opinion, some reduction in the appropriation to that institution would be necessary; they believe that an institution should be sustained at the expense of the Government, where the science of Engineering &c., should be taught, but are clearly of the opinion that the science of military tactics as taught in this institution, and the mode and system adopted for educating the mere soldier at the expense of the Government in a country like this, when the citizen soldier in time of war is always the surest defence of the Nation, is wholly useless and unnecessary; they therefore have directed me to report the following resolution and recommend its passage;

No. 514. A joint resolution on the subject of the Military Academy at West Point;

Read a first and second times, and

Laid on the table.

On motion of Mr. Brown of M., bill

No. 408. A bill concerning nuisances on roads or canals ceded by the State to associations;

Was taken from the table, and

Read three times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate by Mr. Wright a Senator:

MR. SPEAKER:

The Senate has passed bill No. 483, of the House, without amendment, entitled "an act to require the Bank to continue specie payments and to enable her to maintain it.

Mr. Norvell presented a communication from the State Printer in relation to the folding of the Revised Statutes;

Which was laid on the table.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate has passed without amendment an engrossed bill and

engrossed joint resolutions of the House of Representatives, entitled:
 No. 504. An act to authorize the commissioners on the Wabash and Erie canal east and west of Tippecanoe, to sell canal lands in 40 acre tracts;

No. 512. A joint resolution ascertaining the strength of the militia of the State of Indiana;

No. 460. A joint resolution relative to the towing path bridge across the Wabash river;

Also, No. 210. An engrossed joint resolution on the subject of repudiation;

In which the concurrence of the House is requested.

No. 210. Mentioned in said message, was

Read a first and second times, when

Mr. Simonson moved to strike out the preamble to said joint resolution;

And the ayes and noes having been demanded by Messrs. Thompson and Rich:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Carter, Dufour, Gorman, Hargrove, Johnson, Jones, Matheny, Major, Millikin, Mooney, Moore of Floyd, Moore of O., Norvell, O'Neal, Roberts, Robinson, Rose, Simonson, Snook, Swihart and Mr. Speaker.—22.

Those who voted in the negative were,

Messrs. Butler of Vanderburgh, Butterfield, Claypool, Clements, Denny, Edwards, Flannegan, Francis, Goodenow, Hawkins, Hiatt, Hodges, Jackson, Lee, Marvin, Mathers, Meeker, Patrick, Rich, Shelby, Steele, Strain, Stratton, Summers, Thompson, Tingley, Williams and Wilson—28.

There not being a quorum of members present the motion was lost

Mr. Henley moved to amend as follows:

After the word "because" in the fourth line in the preamble insert the words "of the conduct and incompetency of the Whig fund commissioners."

Mr. Norvell moved to amend by adding the following:

"All bonds that have been legally sold or parted with;"

Which was adopted.

Mr. Simonson moved to lay the bill and pending amendment on the table;

And the ayes and noes having been demanded by two members:

Those who voted in the affirmative were,

Messrs. Brown of Dearborn, Brown of Marion, Carter, Coffin,

Cuppy, English, Gorman, Jackson, Mooney, Roberts, Robinson, Rose, and Simonson.—13.

Those who voted in the negative were,

Messrs. Butler of Vanderburgh, Chrisman, Davis of Madison, Denny, Goodenow, Hawkins, Hiatt, Hillis, Hodges, Marvin, Matheny, Meeker, Moore of F., Norvell, Proctor, Shelby, Steele, Strain, Stratton, Sumner, Tingley, Wilson and Mr. Speaker.—23.

There not being a quorum of members present the motion was lost.

The question then recurring on the engrossment of the joint resolution;

And the ayes and noes having been demanded by two members :

Those who voted in the affirmative were,

Messrs. Bradley, Butler of V., Claypool, Foulke, Gilbert, Hawkins, Hiatt, Hodges, Huckaby, Marvin, Meeker, Rich, Shelby, Steele, Strain, Stratton, Suumers, Sumner, Thompson, Tingley, and Wilson,—21.

Those who voted in the negative were,

Messrs. Brown of Dearborn, Brown of Marion, Cuppy, English, Gorman, Hargrove, Jackson, Lowe, Matheny, Mooney, Moore of F., Moore of Owen, O'Neal, Peak, Roberts, Robinson, Rose and Simonson—18.

There not being a quorum of members present the joint resolution was lost on its engrossment.

The following message was received from the Senate by Mr. Maguire their Principal Secretary:

MR. SPEAKER:

The Senate has concurred, with an amendment, in the amendment of the House of Representatives to the bill of the Senate, entitled:

No. 200. An act reducing the fees of auditors of Morgan, Owen, Knox, Gibson, Monroe and Fountain counties;

In which amendment of the Senate to amendment of the House to said bill of the Senate the concurrence of the House is requested.

The Senate has passed without amendment, engrossed bills of the House of Representatives, entitled:

No. 470. An act for the division of the States into counties and townships;

477. An act for the relief of a certain person therein named;

The amendment of the Senate to bill

No. 200. Mentioned in said message, was concurred in by the House.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

I have been directed respectfully to return to the House of Representatives for reconsideration, a message announcing the action of the House on the amendment of the Senate to the engrossed bill of the House, No. 389, for finishing a bridge over Laughery creek, and for other purposes; the Senate believes that it is not in order to interfere with parts of the bill to which both branches had agreed, Dearborn and Ripley having by both Houses been exempt from paying toll.

No. 389. Mentioned in said message, was

Laid on the table.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have examined the following enrolled bill of the House:

No. —. "An act concerning the boundary, jurisdiction, division, civil Government and internal administration of the State of Indiana," being part first of the Revised Statutes, and find the same truly enrolled.

Whereupon, the Speaker signed said bill.

Ordered, That the clerk convey them to the Senate for the Signature of the President thereof.

Mr. Tingley, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have examined bills of the House, No. 450. An act to incorporate the Dayton band and the New Albany Law Institute;

No. 258. An act to amend an act entitled "an act repealing the 18th, 21st, and 23d sections of the act prescribing the duties of county treasurers," approved February 12th, 1841, approved December 24th, 1842;

No. 424. An act supplemental to an act entitled "an act for the relief of Reuben Main," approved December 20th, 1842;

No. 346. An act relating to the jurisdiction of justices of the peace in Crawford, St. Joseph, Franklin, and Laporte counties;

No. 268. An act authorizing Smith Lownsbury to build a mill dam across the Salamonie river, and for other purposes;

No. 319. An act relative to the three per cent. fund, and for other purposes;

No. 498. An act to amend an act entitled "an act for the preservation of sheep," approved Jan. 25th, 1841;

No. 303. An act to confine the voters of Tippecanoe, Cass, Porter, Lake, and Franklin counties to their respective townships, and for other purposes;

No. 369. An act to legalize the acts of Conrad Beard, a constable of White River township, Hamilton county, Indiana;

No. 250. An act to incorporate the Lafayette Hussars;
And find them all correctly enrolled.

Whereupon, the Speaker signed said bills.

Ordered, That the clerk convey them to the Senate for the signature of the President thereof.

Mr. English, a member of the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report, that they have compared the enrolled with the engrossed, to-wit:

No. 333. An act to restrict the county commissioners in the counties of Allen, Laporte, Wells, Huntington, Adams and Jay;

No. 317. An act making specific appropriations for the year 1843.

Mr. English, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills report that they have compared the enrolled with the engrossed, to-wit:

No. 289. An act to provide for the assessment of damages on the Wabash and Erie canal west of Tippecanoe river;

No. 432. An act to amend the act in relation to decents distribution and dower;

No. 512. A joint resolution ascertaining the strength of the militia of the State of Indiana;

No. 316. An act making general appropriations for the year 1843.

No. 344. An act to extend the provisions of an act entitled "an act for the relief of the settlers on the Wabash and Erie canal lands," approved Feb. 24th, 1840, and supplemental to an act on the same subject, approved Jan. 31st, 1842;

Whereupon the Speaker signed the same.

Ordered, That the clerk convey them to the Senate for the signature of the President thereof.

On motion,

The House adjourned until Monday morning, 5 o'clock.

MONDAY MORNING, FEBRUARY 13, 1843.

The House met pursuant to adjournment.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed engrossed bills of the House of Representatives, without amendment, entitled:

No. 166. An act to authorize the commissioners of Elkhart, Whitley, and Kosciusko counties, to equalize the appraisement of real estate, in said counties;

No. 289. An act to provide for the assessment of damages on the Wabash and Erie canal, west of the Tippecanoe river;

No. 513. An act to establish a State road in Henry county;

The Senate concurs in the amendment of the House of Representatives, to the amendment of the Senate, to the bill of the House of Representatives,

No. 432. An act to amend the act in relation to descents, distribution, and dower.

The Senate adheres to its amendment to bill of the House of Representatives,

No. 490. An act to declare and correct a misprint, and for other purposes;

The Senate has passed, with an amendment, bill of the House of Representatives,

No. 279. An act to authorize the printing of 2000 copies of the Revised Code, in the German language;

In which amendment the concurrence of the House of Representatives is requested.

The amendment of the Senate to bill No. 279, (in said message mentioned,) was concurred in by the House.

On motion of Mr. Brown of M.,

The House adheres to its disagreement to the amendment of the Senate to bill 490, in said message mentioned.

Mr. Wilson, on leave, introduced bill No. 515, entitled an act supplemental to an act to provide for the transfer of State and individual stock in the State Bank, and for other purposes, (approved February 2d, 1843); and,

On motion of Mr. Claypool,

The rule was suspended, the bill read three several times and passed.

Ordered, That the Clerk inform the Senate thereof.

The following message from the Senate, by Mr. McGaughey, a Senator:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Senate has passed an engrossed bill of the House entitled,

No. 515. An act supplemental to an act entitled, "an act to provide for the reduction of State and individual stock in the State Bank, and for other purposes," approved Feb. 2d, 1843.

Mr. Norvell moved to take up and consider bill of the House,

No. 299. An act to improve certain State roads therein named;

Which, after search, could not be found upon the files.

On motion of Mr. Moore of O,

Resolved, That a committee of two be appointed on the part of the House, to act with a similar committee, on the part of the Senate, to wait upon the Governor, and inform him that both Houses of the General Assembly have completed their Legislative business, and are now ready to adjourn *sine die*, if he have no further communication to make to them.

Whereupon the Chair appointed Messrs. Moore of O., and Rich, said committee.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER :

The Senate has passed without amendment a bill of the House of Representatives,

No. 428. An act to provide for the building of a bridge across the canal west of Tippecanoe river.

On motion of Mr. Robinson,

A call of the House was ordered;

When the Clerk proceeded to call the roll, it appeared that the absentees were,

Messrs. Baker, Bowers, Bradley, Brown of R., Brown of W., Butler of Randolph, Butterfield, Campbell, Carter, Chrisman, Clements, Cooley, Cuppy, Denny, Dufour, Dunn, Edmonston, Edwards, Foulke, Francis, Fuller, Gorman, Harding, Hargrove, Hawkins, Hiatt, Hillis, Hodges, Huckaby, Jackson, Jones, Lewis, Lingle, Logan, Lowe, Major, Marvin, Matheny, McCormick, Millikin, Mitchell, Montague, Myers, O'Neill, Osborn, Patrick, Peak, Prilliman, Proctor, Real, Shoup, Sluss, Stewart, Strain, Stratton, Swihart, Tevis, Thompson, Tingley, Wheeler, and Whight. And,

On motion of Mr. Claypool,

The further call of the House was suspended.

The following message was received from the Senate, by Mr. Maguire, their Principal Secretary:

MR. SPEAKER:

The Senate has reciprocated the resolution of the House of Representatives, appointing a committee to wait on the Governor and inform him that both Houses of the General Assembly have completed their business, and are now ready to adjourn, *sine die*, if he have no further communication to make to them.

And Messrs. Pennington and Burke were appointed a committee on the part of the Senate.

The following message was received from His Excellency the Governor, by I. H. Kiersted, his Private Secretary:

MR. SPEAKER:

I am directed by His Excellency the Governor, to inform the House of Representatives, that on the 11th inst. he approved and signed the following acts and joint resolutions:

No. 419. An act defining the duties of sheriffs, in the counties of Owen and Hancock;

No. 284. An act to open the Bloomington and Salem road;

No. 284. An act to incorporate the Wabash bridge company;

No. 239. An act to incorporate the Vevay band of musicians;

No. 392. An act to authorize the board of commissioners of Grant county to rescind an order made upon their record;

No. 313. An act for the relief of Henry Johns;

No. 381. An act relating to the seminary fund in Cass county;

No. 156. An act relative to suits against Miami Indians;

No. 165. An act to provide for the payment of expenses incurred for the protection of the school funds, and for other purposes;

No. 148. An act for the relief of certain persons therein named;

No. 280. An act for the encouragement of the growth and manufacture of silk;

No. 435. An act to locate a State road in De Kalb and Steuben counties;

No. 425. An act to amend an act therein named;

No. 309. An act to encourage agricultural improvements in Allen, Wells, Huntington, Blackford, Adams, Jay, Kosciusko, Whitley, St. Joseph, Delaware, and Elkhart counties;

No. 259. An act to extend the time for the treasurer of Clinton county to distrain property for the non-payment of taxes;

No. 449. An act to provide for summoning grand and petit jurors in the county of Madison;

No. 454. An act defining the duties of school commissioners in township No. 14, north of range 6 west, in Parke county;

No. 348. An act concerning the eligibility and qualifications of directors of the State Bank, and Branches thereof;

No. 396. An act to regulate the jurisdiction of justices of the peace, in the counties of Union, Johnson, and Martin;

No. 416. An act to repeal an act therein named, so far as the same relates to the counties of Switzerland and Montgomery;

No. 422. An act providing for the election of three school commissioners in the townships of Jackson and Florida, in the county of Parke;

No. 434. An act amendatory of an act, entitled "an act, amendatory of an act, entitled, an act authorizing the appointment of constables, and defining their duties," approved Feb. 17th, 1838,—app. Jan. 31st, 1842;

No. 446. An act to continue in force a certain act therein named;

No. 286. An act for the location of a State road from Vincennes to Dicksburgh;

No. 233. An act for the relief of Wm. S. Lane and Gideon Lane, of Tippecanoe county;

No. 462. A joint resolution in reference to the reduction of the rates of letter postage;

No. 435. An act to provide for the construction of a rail-way in Laporte county;

No. 171. An act to amend an act, entitled "an act supplemental to an act, subjecting real and personal property to execution," app. Jan. 8th, 1842;

No. 481. An act to repeal an act therein named, approved Jan. 14th, 1837, to provide for the electing of a justice of the peace in Owen county, and for electing one in Vienna, in Scott county;

No. 460. A joint resolution relative to the Wabash and Erie canal towing-path bridge;

No. 17. An act to change the mode of doing county business in the counties of Warrick and Dubois;

No. 217. An act in relation to the letting of water power, by the State of Indiana;

No. 225. An act amendatory of an act, entitled "an act to authorize the administrator of Mathew H. Kempton, deceased, to bring certain suits in Perry county," app. Jan. 29th, 1842;

No. 229. An act to incorporate the German Lutheran and Reformed Church, of the city of New Albany;

No. 256. An act to provide for the election of prosecuting attorneys, by the people;

No. 314. An act to incorporate the Perrysville canal lock company;

No. 314. An act relating to taxation for State purposes, and the redemption of treasury notes;

No. 327. An act supplemental to an act, entitled "an act for the relief of the borrowers of the sinking fund, surplus revenue fund, and other funds, and for the better securing the payment thereof," app. Jan. 31st, 1842;

No. 218. An act to repeal the 16th section of an act, entitled "an act prescribing the duties of county treasurers," approved February 12th, 1841;

No. 445. An act declaring a certain county road a State road, in the county of Clay;

No. 451. An act for the relief of Elizabeth Harris and Susannah Antin;

Part II. An act concerning the acquisition, the enjoyment and the transmission of property real and personal, the domestic relations and other matters connected with private rights.

Part III. An act concerning courts and their officers and actions and proceedings in civil cases.

Part IV. An act concerning crimes and punishments and proceedings in civil cases.

An act to provide for the transfer of the surplus revenue fund, the county seminary fund, and three per cent. fund, from the hands of the present agents and trustees thereof to the treasurers of the respective counties.

No. 198. An act concerning the repeal of Statutes and general provisions concerning the Revised Statutes.

No. 472. A joint resolution to suspend a certain act therein named, in Laporte, Tippecanoe, Randolph, and Delaware counties.

No. 471. An act to amend an act entitled, "an act to provide for a more uniform mode of doing township business in the several counties therein named," (approved February 17th, A. D. 1838.)

No. 489. An act in relation to county seminaries.

No. 491. An act abolishing a complete record in certain criminal cases.

No. 493. An act to authorize a special term of the probate court in Allen county; and on this day, the following acts, &c :

No. 250. An act to incorporate the Lafayette Huzzas.

No. 448. An act to relocate the county seat of Clay county.

No. 450. An act to incorporate the Dayton Band, and the New Albany Law Institute.

No. 258. An act to amend an act entitled, "an act repealing the 18th, 21st, and 23d sections of the act prescribing the duties of county treasurers," (approved February 12th, 1841, approved December 24th, 1841.)

No. 268. An act authorizing Smith Lownsbury to build a mill dam across the Salamonie river, and for other purposes.

No. 203. An act to confine the voters of Tippecanoe, Cass, Porter, Lake, and Franklin counties to their respective townships, and for other purposes.

No. 319. An act relative to the three per cent. fund, and for other purposes.

No. 369. An act to legalize the acts of Conrad Beard, a constable of White-river township, Hamilton county.

No. 346. An act relating to the jurisdiction of justices of the peace in Crawford, St. Joseph, Franklin, and Laporte counties.

No. 424. An act supplemental to act entitled, "an act for the relief of Reuben Main," (approved December 20th, 1842.)

No. 498. An act to amend an act entitled, "an act for the preservation of sheep," (approved January 25th, 1841.)

- No. 488. An act to relocate the county seat of Clay county.
- No. 316. An act making general appropriations for the year 1843.
- No. 244. An act to extend the provisions of an act entitled, "an act for the relief of the settlers on the Wabash and Erie canal lands," (approved February 24th, 1840,) and supplemental to an act on the same subject, (approved January 31st, 1842.)
- No. 512. A joint resolution ascertaining the strength of the militia of the State of Indiana.
- No. 432. An act to amend the act in relation to decedents, distribution and dower.
- No. 289. An act to provide for the assessment of damages on the Wabash and Erie canal west of Tippecanoe river.
- No. 477. An act to provide for the relief of a certain person therein named.
- No. 452. An act to provide means to support a deaf and dumb asylum in the State of Indiana.
- No. 464. A joint resolution in regard to pre-emptioners.
- No. 302. An act declaring a certain name a misprint, and for other purposes.
- No. 510. An act supplemental to an act fixing the time of holding circuit courts in the 8th judicial circuit, and in the 5th judicial circuit, (approved February 3d, 1843.)
- No. 305. An act to review a State road therein named.
- No. 285. An act to change certain alleys in the town of Eagle Village, Boone county.
- No. 294. An act to appropriate a certain sum of money to purchase books for the use of the prisoners in the State prison.
- No. 304. An act to compel supervisors to expend money in their hands.
- No. 513. An act to establish a State road in Henry county.
- No. 499. An act authorizing the relocation of a part of a certain State road in the county of Clay.
- No. 509. A joint resolution declaring a certain provision of the Revised Statutes to be in force.
- No. 437. An act to authorize Levi M. R. Pumphrey to build a mill dam across White river.
- No. 295. A joint resolution in relation to the establishment of Marine Hospitals on the Mississippi and its tributaries, and the great Northern Lakes, for the benefit of the sick and disabled boatman.
- No. 500. A joint resolution relative to the distribution of certain public documents.
- No. 332. An act for the relief of sundry citizens of the town of Charlestown, Clarke county.
- No. 504. An act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe to sell canal lands in tracts of forty acres, or quarter sections.
- No. 166. An act to authorize the commissioners of Elkhart, Kosciusko, and Whitley counties to equalize the appraisement of real estate in said counties.

No. 357. An act for the relief of Congressional township No. 33 north, of range No. 6 west, in Porter county;

No. 359. An act to authorize Amos Myers to build a mill dam across White river;

No. 459. An act supplemental to the act authorizing a subscription for the History of Indiana;

No. 274. An act to legalize the last will and testament of Rowland Hunter, deceased, and for other purposes;

No. 343. An act amendatory and explanatory of an act entitled, "an act relating to the trustees of Vevay Seminary," (approved January 8th, 1842;)

No. 436. An act concerning State roads;

No. 342. An act for the relief of Alexander Rey;

No. 317. An act making specific appropriations for the year 1843;

No. 333. An act to restrict the county commissioners of the counties of Allen, Laporte, Wells, Huntington, Adams, and Jay;

No. 483. An act to require the Bank to continue specie payments and to enable it to maintain them;

No. 515. An act supplemental to an act entitled "an act to provide for the reduction of State and individual stock in the State Bank," and for other purposes, approved Feb. 2d, 1843;

No. 428. An act to provide for the building of a bridge across the Wabash and Erie canal west of Tippecanoe river;

No. 279. An act to authorize the printing of two thousand copies of the Revised Code in the German Language;

All of which originated in the House of Representatives.

Mr. Moore of O., one of the committee appointed this morning by the House to wait upon His Excellency the Governor, to ascertain whether he had any legislative business to communicate to the General Assembly, made the following report:

MR. SPEAKER:

The committee appointed on the part of the House to act with a similar committee on the part of the Senate, have waited on His Excellency the Governor, and have received for answer that he has no further communication to make.

On motion of Mr. Meeker,

Resolved, That the Senate be informed that the House of Representatives have gone through with their Legislative business of the present session, and are now ready to adjourn *sine die*.

The following message was received from the Senate by Mr. Maquire their Principal Secretary:

MR. SPEAKER:

The Senate has reciprocated the resolution of the House of Representatives providing for an adjournment of the Legislature *sine die*.

Mr. Simonson then moved that the House do now adjourn *sine die*. Whereupon the Speaker (Mr. Henly) rose and said

GENTLEMEN:—Your labors as the Representatives of the people of Indiana have terminated. The delegated authority which you held as members of this House is now about to return to the hands that gave it. In taking leave of each other, upon an occasion like this, the remembrances that crowd upon the mind would not only be tedious, but perhaps, in some some instances, painful, in their recitation; suffice it then to say, that your duties have not been less laborious and important than those of any previous Legislature, and it is with pride that I bear witness, that they have been faithfully and diligently performed. Your intercourse with each other has been marked with frankness, liberality and gentlemanly bearing; noble and essential traits in the character of a Legislator.

Gentleman, you will be pleased to accept my sincere and unfeigned thanks for the kindness and partiality with which you have sustained me in the performance of the many and responsible duties of the chair.

We now separate. It cannot be expected that we shall all ever again meet this side of that "bourne from whence no traveller returns." Let then those unkind feelings, if any there were, which have been engendered in your Legislative intercourse, be buried in the oblivion of the past. Let our motto be "friendship in marble, enmity in dust." In returning, gentlemen, to your homes, to "wife, children and friends," may you realize all those bright anticipations which fancy has not failed to present to your imaginations, and receive the plaudit of faithful Representatives of the people.

I now pronounce this House adjourned *sine die*.

Attest:

JOSEPH F. BROWN, *Principal Clerk*.
ANDREW J. HARLAN, *Asst. Clerk*.

QUESTIONS OF ORDER.

Rule 60. "The Principal Clerk shall keep a journal of the decisions of the Chair, to be inserted at the close of the Journal of the House."

JAN. 2d, 1843.

A joint resolution relative to the tariff law, being under consideration, after its third reading, Mr. Thompson of Allen moved to recommit the resolution to a select committee with instructions to add a resolution requesting our Senators and Representatives in Congress to urge the propriety of so changing the Constitution of the United States as to take from the House of Representatives the power of choosing a President in cases where no one person receives a majority of all the electoral votes given. The Speaker decided the instructions to be in the shape of a rider, and under the 46th rule of the House, out of order. From this decision, Mr. Butler of Vanderburgh appealed; and the question being stated, "shall the decision of the chair stand as the judgment of the House?" It was decided in the affirmative; ayes 71, noes 8. So the House refused to reverse the decision of the chair.

JAN. 21st, 1843.

(Mr. Edmonston in the chair.)

A joint resolution No. 287. Entitled "a joint resolution relative to the re-valuation of property in the State," was presented by Mr. Shoup; the Speaker decided the joint resolution to be out of order, under the 33d rule of the House. From which decision of the chair, Mr. Shoup appealed; and the question being, shall the decision of the chair stand as the judgment of the House? And the ayes and noes being demanded thereon; it was decided ayes 65, noes 13. So the House refused to reverse the decision of the chair.

FEB. 7th, 1843.

On the bill reducing the *per diem* allowance of the members of the General Assembly;

(Mr. Robinson in the chair,)

Mr. Tevis moved the previous question; the Speaker decided that the second to the previous question could be obtained by the ayes and noes, from that decision Mr. Brown of M. appealed, and the question was, shall the decision of the chair stand as the judgment of the House; and the ayes and noes being demanded, resulted in ayes 18, noes 56. So the decision of the chair was reversed.

JOSEPH F. BROWN,

Principal Clerk, H. R.

INDEX.

A

ABSENCE.

Leave of, granted to	Mr. Dunbar,	-	-	-	-	-	46
	Mr. Leyman,	-	-	-	-	-	182
	Mr. Parker,	-	-	-	-	-	233
	Mr. Norvell,	-	-	-	-	-	
	Mr. Dunn,	-	-	-	-	-	302
	Mr. Patrick,	-	-	-	-	-	
	Mr. Real,	-	-	-	-	-	350
	Mr. Brown of Rush,		-	-	-	-	382
	Mr. Davis of Sullivan,		-	-	-	-	671
	Mr. Marsh,	-	-	-	-	-	679
	Mr. Bradley,	-	-	-	-	-	679, 706
	Mr. Montague,	-	-	-	-	-	706

ADJOURNMENT.

Resolutions to adjourn <i>sine die</i> ,	-	-	-	-	84, 122, 135
Concurrence of Senate in resolution of House,	-	-	-	-	518

APPEALS FROM DECISION OF THE CHAIR.

By Mr. Butler of Vanderburgh,	-	-	-	-	-	260
By Mr. Shoup,	-	-	-	-	-	461
By Mr. Brown of Marion,	-	-	-	-	-	643

AUDITOR OF STATE.

Communications from, 102, 111, 142, 347, 348, 375, 386, 519, 677, 715

AYES AND NOES.

On laying motion to proceed to election of seigeant-at-arms on the table, - - - - -	15
On indefinitely postponing the resolution relative to newspapers, -	28
On adoption of amendment to amendment on above resolution, -	28
On adoption of original resolution as amended, - - - - -	28
On striking out "instruct" and insert "expediency" to Mr. Clements' resolution, - - - - -	34
On the cost of the newspapers, - - - - -	35
On reconsidering the vote excusing Mr. Bradley from serving on select committee, - - - - -	36
On laying upon the table message of Senate concerning electing prosecuting attorneys, - - - - -	38
On adoption of Mr. Bradley's resolution providing for papers, -	40
On laying upon the table resolution of Senate concerning election of U. S. Senator, - - - - -	46
On adopting instructions concerning bill of H. R. No. 21, -	49
On referring joint resolution No. 3 to select committee, - -	50
On Mr. Bradley's amendment to joint resolution No. 3 of H. R. -	50
On engrossing said joint resolution, - - - - -	51
On adoption of Mr. Whight's resolution, - - - - -	52
On adoption of Mr. Roberts' resolution, - - - - -	54
On taking from the table Mr. Wilson's resolution, (election of judges, &c.) - - - - -	55
On amendment to the resolutions relative to the contested seat, -	73
On putting the main question, - - - - -	73
On adoption of resolutions from committee on elections, (Marsh case,) - - - - -	74, 75
On indefinitely postponing Mr. Williams' resolution, - - -	81
On adoption of Mr. Summers' resolution, - - - - -	82
On recommitting the joint resolution (No. 3) concerning the bankrupt law, - - - - -	87
On adoption of Mr. Clements' amendment to above jt. resolution, -	87
On indefinite postponement of bankrupt resolution, - - -	88
On the passage of joint resolution relative to bankrupt law, -	89
On referring communication from Auditor to committee on State Library, - - - - -	111
On Mr. Moore of Owen's amendment to bill No. 41 of House, -	117
On taking from the table a resolution concerning the election of U. S. Senator, - - - - -	117
On laying Mr. Huckaby's resolution to adjourn <i>sine die</i> upon the table, - - - - -	123
On printing 100 copies of Mr. Dufour's bill, No. 74, - - -	126
On adjourning, - - - - -	129, 130
On committing to committee of the whole House bill No. 52, -	132
On laying Mr. Shoup's adjourning resolution on the table, -	136, 136
On referring the above resolution to revising committee, -	137

On adoption of Mr. Cooley's resolution,	- - - -	150
On various propositions concerning bill of House No. 61,	156, 157, 158	
On providing for a State board of equalization,	- - - -	167
On adoption of instructions relative to bill of H. R. No. 97,	- - - -	168
On committing bill of House No. 119,	- - - -	176, 177
On laying upon the table bill of House No. 52,	- - - -	179
On engrossing said bill No. 52,	- - - -	180
On adopting instructions concerning bill of H. R. No. 30,	- - - -	190
On adjourning,	- - - -	191, 394, 670, 765
On the bankrupt law, (repeal,)	- - - -	200, 201, 202, 203
On the bill abolishing attorney's docket fees,	- - - -	210, 211, 211
On sundry propositions to amend bill No. 52 (Treasury Note act)	- - - -	214, 215
On motion to reconsider passage, &c. of bill No. 52,	219, 220, 221	}
	231, 237, 311, 312, 313, 329, 335, 336, 388, 392, 393	
On motion to lay bill of House No. 140 on the table,		224, 608
On the districting bill,	229, 230, 269, 270, 280, 281, 282, 283, 300,	}
	301, 302;	
On concurring in amendments of Senate to joint resolution of House, with an amendment,	- - - -	234
On instructions to make the provisions of bill No. 108 of Ho. general,	- - - -	244
On committing bill of House No. 130, with instructions,	- - - -	249
On the appeal from the decision of the chair,	- - - -	260, 461
On the reconsideration, passage, &c. of joint resolution No. 115 of House, (Tariff)	- - - -	261, 262
On laying bill of House No. 108 upon the table,	- - - -	279
On referring Mr. Stratton's resolution (relative to William J. Brown) to committee on State Library,	- - - -	290
On laying Mr. Stratton's resolution, &c. on the table,	- - - -	292
On laying on table and committing bill of Ho. No. 168,		294, 294
On bill No. 74 (reduction) at various stages,	298, 299, 597, 612,	}
	613, 614.	
On adopting resolutions relative to W. J. Brown,	308, 309, 310	
On committing bill No. 127 of House,	- - - -	314
On bill abolishing county auditor,	- - - -	327, 328, 329
On the relief bill, (No. 171)	330, 331, 332, 333, 334, 335, 384, 385,	}
	386, 390, 405, 414, 415, 649, 667.	
On granting Mr. Bradley leave to introduce resolution,	- - - -	339
On the adoption of Mr. Edwards' resolution, (E. B. Mann)	- - - -	341
On the bill electing prosecuting attorneys by the people,	342, 343,	}
	344, 345, 346, 421, 422, 422.	
On laying communication from Auditor on table, &c.		349, 350
On bill No. 168 of House, in various stages,	- - - -	350, 351
On joint resolution No. 191, (concerning a loan)	- - - -	352
On joint resolution of House No. 164, (relief of Hendricks,)	352,	}
	353, 354.	
On laying Mr. Millikin's resolution on table,	- - - -	363
On striking out preamble Mr. Dufour's resolution,	- - - -	364

On laying resolution on table proposing to borrow money,	-	365
On laying Mr. Bradley's resolution on the table,	-	366
On allowing Mr. Gorman leave to introduce resolution,	-	368
On laying joint resolution No. 220 upon the table,	-	372
On laying joint resolution No. 222 upon the table,	-	372
On committing to [committee on] canals, &c. bill of Ho. No. 185,		376
On passage, &c. of bill of House No. 168,	-	378, 418, 419
On passage of joint resolution No. 1 of Senate,	-	379, 379, 380
On laying bill of House No. 173 upon the table,	-	381
On passage of bill of House No. 127, (Milton Stapp)	-	382
On resolution of Senate relative to election of U. S. Senator,		398, 399
On passage of bill of House No. 185,	-	404
On bill of House No. 240, at various stages,	-	409, 410
On districting bill, 424, 425, 426, 427, 428, 429, 430, 431, 432, 622,		623, 624, 630.)
On adoption of Mr. Shoup's resolution,	-	436
On taking certain bill from the table,	-	437
On indefinitely postponing joint resolution of Ho. No. 191,	-	438
On bill of Ho. No. 261, in various stages,	-	439, 440
On resolution of Senate No. 76,	-	441, 442, 464
On engrossing bill of House No. 235,	-	451
On bill printing laws in German language, 458, 561, 562, 563, 564,		565, 566.)
On Mr. Shoup's appeal from the chair,	-	461
On Mr. Henley's resolution returning message to Senate,		469, 469, 471
On Mr. Tingley's resolution relative to U. S. Senator on table,		471
On reconsidering the commitment, &c. on bill of House of		
Representatives No. 235,	-	480, 528, 529
On re-committing, &c. bill of House No. 180,	-	481, 534
On taking from table bill of House No. 140,	-	488
On rejecting Mr. Tingley's joint resolution No. 322,	-	517
On concurring in amendment of Senate to adjourning resolution of House,	-	518
On Mr. Shoup's motion to amend amendment to bill No. 74		
of H. R.	-	522
On indefinitely postponing bill of House No. 329,	-	530
On striking out appropriation for new prison No. 316,	-	539
On rejecting and reconsidering joint resolution No. 345,		541, 542
On bill of House No. 329,	-	548, 549, 550, 551
On bill No. 261, in various stages,	-	552, 553
On adoption of instructions to bill of House No. 199,	-	557
On Mr. Gorman's amendment to Mr. Simonson's resolution,	-	558
On passage of revenue bill,	-	559
On indefinitely postponing bill of House No. 204,	-	560
On printing report of Branches of State Bank,	-	561
On passage of bill of House No. 287, (concerning ejection)		566
On laying joint resolution No. 360 of House on table,	-	573
On proposing to indef. postpone, passage, &c. of bill No. 103,		573, 574
On rejecting Mr. Robinson's bill, (No. 364)	-	576

On passage of bill of House No. 307,	-	-	-	-	583
On joint resolution No. 375, relative to the Cohens,	-	586,	587		
On laying bill of Ho. No. 386 on table, (concerning defaulters,)	590				
On striking out and passage of bill of S. No. 103, (revision)	595,	596			
On laying bill of H. No. 300 on table, (Catholic bill,)	-	-	601		
On indefinitely postponing bill of House No. 140,	-	-	608		
On amending and passage of bill of House No. 267,	611,	625,	626		
On committing to select committee bill of House No. 391,	-	-	627		
On engrossing, &c. bill of House No. 162,	-	-	628,	668	
On rejecting, &c. jt. resolution of H. No. 421, (Al. Beard)	629,	674			
On bill of House No. 280, (silk bill)	-	-	631,	632	
On engrossing and reconsidering bill of House No. 426,	-	633,	634		
On laying bill of House No. 201 on the table,	-	-	636		
On Mr. Henley's resolution,	-	-	641,	642,	702,
On bill of House No. 429, (revision)	-	643,	644,	645,	646,
On joint resolution of Senate No. 171, (assumption)	-	653,	654		
On engrossing, &c. bill of House No. 382,	-	-	-	656	
On bill of House No. 95, in various stages,	-	-	-	661	
On passage of bill of House No. 457,	-	-	-	-	673
On bill of House No. 95.	-	-	-	-	679,
On Mr. Tingley's bill No. 465,	-	-	681,	682,	683,
On passage, &c. of bill of House No. 350,	-	-	-	685,	756
On joint resolution of House No. 469,	-	-	-	688,	689
On engrossment of bill of House No. 404, (int. on money)	-	-	-	691	
On passage of bill of House No. 455, (W. & E. Canal)	-	-	-	692	
On indefinitely postponing bill of Senate No. 140,	-	-	-	697	
On laying bill of House No. 477 on table,	-	-	-	-	704
On bill of H. No. 476, 705, 706, 707, 708, 709, 710, 738, 739, 740,	752				
On bill of House No. 412,	-	-	-	-	712,
On printing Mr. Palmier's communication,	-	-	-	-	714,
On passage of bill of Senate No. 153, (W. & E. Canal)	-	-	-	-	715
On bill of House No. 492,	-	-	-	-	730,
On bill of H. No. 483, (Bank bill)	734,	735,	736,	763,	764,
					765,
					766,
					767,
					768,
					769.}
On receding from disagreement to bill No. 299,	-	-	-	736	
On concurring in rep. of com. of the whole relative to revision,	741				
On suspending rule, &c. on joint resolution of House No. 501,	753				
On rejecting Mr. Tingley's distribution jt. resolution, (No. 502)	754				
On Mr. Leslie's amendment to jt. resolution of Ho. No. 485,	755				
On adoption of Gov. Brown's resolution,	-	-	-	-	757
On passage of joint resolution of House No. 469,	-	-	758,	762	
On reconsidering vote on passage of bill of House No. 412,	-	-	759		
On passage of bill of House No. 503,	-	-	-	-	763
On passage of bill of House No. 365,	-	-	773,	774,	775
On passage of joint resolution of House No. 512,	-	-	-	-	776
On bill of the Senate No. 105,	-	-	-	-	795,
On joint resolution relative to repudiation,	-	-	-	-	803,
					804

BANK.

(*See State Bank.*)

BEALL, ENOS.

Seat contested as member House of Representatives from the counties of Steuben and De Kalb, by Madison Marsh,	-	14
Memorial of Mr. Marsh presented,	- - - - -	14
Affidavit of Mr. Beall presented,	- - - - -	15
Report of majority of Committee on Elections,	- - - - -	60
Report of minority of Committee on Elections,	- - - - -	68
Proceedings on pages	- - - - -	72, 73, 74, 75
Madison Marsh declared the duly elected member,	- - - - -	75

BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
1	A bill for the relief of the people of Allen county,	14		14	30	30, 30, 41, 47, 56	49
4	A bill relative to Lake circuit court, -	14	40, 45	45	170	174	194
6	A bill to legalize an election therein named, -	39	44, 58	58	113	113, 145	
7	A bill to reduce the salaries of officers, &c. -	39	44				
8	A bill to postpone the sale of delinquent lands,	39	44, 59, 143	59	143	153, 162	170
9	A bill to authorize the exchange of Treasury Notes, - - - - -	38	45, 341, 382				
10	A bill to amend act subjecting real property to execution, - - - - -	38	45, 194, 265				
11	A bill fixing the time of holding county courts in Porter county, - - - - -	38	45, 58	58	170	174	194
12	A bill relative to collection of county revenue, -	38	45				
13	A bill to establish an additional place of holding elections in Greencastle township, Floyd county, - - - - -	38	45, 58	58	217	224	239
14	A bill for the relief of owners of Indian reserva- tions, - - - - -	38	45	58			
15	A bill concerning a certain estate without known heirs, - - - - -	39	48, 89	89	145	162	170

16	A bill regulating the rate of interest on certain bonds, - - - - -	39	45, 725						
17	A bill to change the mode of doing business in Warrick county, - - - - -	44	257, 380	381	695	695, 745		798	
18	A bill for the relief of Catherine Melville, - - - - -	44	57, 89	39	416	419		472	
19	A bill relative to the duties of assessors, - - - - -	44	57, 89, 90						
20	A bill to amend the execution law, - - - - -	44	57, 185, 186, 265						
21	A bill defining the mode of selecting jurors, - - - - -	48							
22	A bill for the relief of Reuben Main, - - - - -	56	59	89	144	144			
23	A bill to amend the act granting license, - - - - -	57	134	153	695	696, 737		770	
24	A bill to regulate the rate of interest on money, - - - - -	57	85, 230						
25	An act to amend the execution law, - - - - -	57	85, 185, 265						
26	A bill to repeal the act applying certain funds to education, - - - - -	57	85, 131						
27	A bill relative to petit jurors in Sullivan county, - - - - -	57	85, 173, 456, 481	481	713	772		789	
28	A bill legalizing the districting the county of Daviess into commissioner's districts, - - - - -	57	85	120	416	419		472	
29	Amendatory of the act authorizing foreigners to hold real estate, - - - - -	57	57, 230						
30	A bill for the repeal of the proviso to 17th section of certain act, - - - - -	57	[362, 406						
31	A bill in relation to the town of Laporte, - - - - -	57	86, 189, 190, 361,	169	523	575		621	
32	A bill in relation to Jeffersonville and Crawfordsville road, - - - - -	57	86, 147						
33	A bill supplemental to certain act therein named, - - - - -	60	86, 195	195	592	592, 638		654	
34	A bill for the relief of Catharine Catlin, - - - - -	60	86, 112	112					
35	An act to compel speculators to pay a road tax, &c. - - - - -	76	86	120					
36	A bill to extend provisions of certain act to Jay, Adams, &c. - - - - -	75	86, 121, 393	144	393	419		472	
		76	86						

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
37	A bill concerning certain State roads,	76	86, 263, 380	380	591	638	654
38	A bill to vacate a part of Claysville,	78	116	128	238	247	250
39	A bill to amend the act for relief of securities,	84	116	128			
40	A bill to amend the act regulating general elec- tions,	84	116, 171, 180				
41	A bill for the relief of the people of Indiana,	84	116, 117, 118, 163				
42	A bill to repeal a certain act in Marshall county,	84	118	128			
43	A bill defining the way of selecting jurors in Put- nam county,	84	118				
44	A bill relative to summoning jurors in Vigo county,	85	118	128			
45	A bill to amend the law relative to executions,	85	118, 460				
46	A bill relative to summoning jurors in Fayette county,	85	118, 456, 481	481			
47	A bill extending the provisions of valuation laws,	85	118, 361				
49	A bill to abolish fees for marriage licenses,	95	119				
50	A bill to vacate a portion of a State road,	97	119, 160, 213, [132	213		620	621
52	A bill to provide for reception of Treasury Notes for State dues, &c.	100	178, 179, 180, 213 214, 215, 219, 220 221, 231, 232, 237	221	239	312, 313, 335, 336 355, 388, 389, 391 392, 393, 417, 419	452

52	A bill for the relief of the securities of Elisha Long, deceased, - - - - -	112	121, 128		523	575	621
53	A bill to prevent malicious prosecutions, - - - - -	115	127, 361				
54	A bill to legalize the acts of assessor of Steuben county, - - - - -	115	127	144	523	528	569
55	A bill to amend the act to incorporate a certain turnpike company, - - - - -	115	127, 148	169	591	620	621
56	A bill for further stay of execution, - - - - -	115	127, 361, 362				
57	A bill relative to township business in Tippecanoe county, - - - - -	116	127	144	524	528	569
58	A bill to incorporate the Lafayette Band, - - - - -	116	127, 147	169	591	637	654
59	A bill to repeal an act therein named, - - - - -	116	127, 143	144	592	592, 650, 717	749
60	A bill concerning justices of the peace in Greene county, - - - - -	116	475				
61	A bill to repeal portions of a certain act therein named, - - - - -	116	[159, 257 128, 156, 157, 158]				
62	A bill to amend a certain act of incorporation, - - - - -	122	141, 153	153	570	571, 602	761
63	A bill for the relief of John Morgan, - - - - -	122	130	130	758		472
64	A bill to appoint an inspector of salt, - - - - -	124	142	153	393	393, 434	
66	A bill to authorize the building of a bridge at Carrollton, - - - - -	126	147, 169	169	699	711	718
67	A bill to amend act concerning Liverpool Bridge Company, - - - - -	126	142, 228, 246	246	297	[416, 434 297, 335, 377, 403]	472
68	A bill to amend execution law, - - - - -	126	142				
69	A bill prescribing duties of clerks of the circuit courts, - - - - -	126	205				
70	A bill to change the time of holding courts in 7th circuit, - - - - -	126	143	153			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
71	A bill confining the voters to their townships in Tippecanoe county, - - - - -	126	143, 205				
72	A bill fixing the time of holding courts in 6th circuit, - - - - -	126	143				
73	A bill to amend the act concerning executors, &c.	126	143, 153, 205 [199				
74	A bill regulating the fees and salaries of officers,	126	298, 299, 300, 520				
			521, 522, 534, 597				
			598, 611, 612, 613				
75	A bill relative to the wearing apparel of decedents,	127	143, 206 [614, 669				
76	A bill authorizing J. Letsenburger to build a mill dam, - - - - -	134	151, 169	169	524	575	569
77	A bill authorizing A. W. Inman to change a certain road, - - - - -	135	152	152	524	575	569
78	A bill to locate a State road in Pike county, - -	135	152, 169	169	524	575	569
80	A bill to change the name of John Cade, <i>alias</i> Mitchell, - - - - -	141	152, 169	169	524	527	569
81	A bill providing for recording deeds and mortgages,	141	193				
82	A bill relative to water power in Northport, Noble county, - - - - -	141	216, 245	245	357	357, 419	472

83	A bill to amend act prescribing duties of county auditors, - - - - -	141	152				
84	A bill to incorporate the Evansville Female Seminary, - - - - -	141	152, 169	169	524	575	569
85	A bill regulating the issuing of executions of <i>facias</i> , - - - - -	141	152, 453				
86	A bill amending act concerning county treasurers, - - - - -	141	152, 169	169	524	527	569
87	A bill to amend act prescribing more uniform mode of doing township business, - - - - -	141	152, 205				
88	A bill to legalize the acts of Isaac Tullis, a justice of the peace of Rush county, - - - - -	146	166, 219	219	483	526	569
89	A bill for the relief of Dr. Daniel M. Spencer, - - - - -	148	166				
90	A bill for the relief of school district No. 2, &c., Laporte county, - - - - -	148	166, 243	243	524		569
91	A bill providing for recording a State road in Sullivan and Vigo counties, - - - - -	148	166, 263	263	483	575	569
92	A bill to locate a State road in Dubois county, - - - - -	149	166, 263	263	524	574	569
93	A bill for the relief of Jacob Bookwalter, - - - - -	149	166, 243	243	524	528	569
94	A bill to amend act incorporating Buffalo and Mississippi Railroad Company, - - - - -	151	166, 227, 246 [166, 243, 356, 357]	246	524	527	569
95	A bill to determine county lines between Floyd and Clark counties, - - - - -	151	636, 660, 661, 679 680, 681]				
96	A bill to amend the act organizing probate courts, &c., - - - - -	151	166, 205				
97	A bill to repeal the act for election of county assessors, &c., - - - - -	151	166, 167, 204, 205 [238, 239]				
98	A bill for the relief of purchasers of certain lands, &c., - - - - -	151	168, 255				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
99	A bill to legalize the appointment of certain constables, Henry county, - - -	156	156	156	182	196	220
100	A bill for the relief of J. B. Eldridge, J. Cummings, &c., - - -	159	244	244	483	526	570
101	A bill to authorize J. Sour to build a mill dam, -	159	180, 244	244	591	620	621
102	A bill for the relief of Alexander Owens, -	160	180, 244	244			
103	A bill for the relief of Alexander Beard, -	161	187, 257, 381, 573				
105	A bill to repeal all acts declaring White Water navigable stream, - - -	162	181, 195	195	483	527	569
106	A bill changing the time of holding the Allen circuit court, - - -	163					
107	A bill to reinstate a certain tract of seminary land, - - -	163	186, 245, 526	245	483	526	570
108	A bill reducing the expenses of Putnam county, &c., - - -	165	[180, 244, 245, 278 279, 341, 382, 440]	440	524	528	569
109	A bill providing for transfer of public works, &c.	165	199				
110	A bill relative to voting in Laporte county, -	166	181, 380	381	606	638	655
111	A bill for the relief of Adam Clark, - - -	166	181, 245	245	483	526	569
112	A bill for the relief of the people of Indiana, -	166	181, 265				

113	A bill to amend the act encouraging the raising of sheep, hogs, &c.,	166	181, 245	245	524	528	569
114	A bill to amend the execution law of January 8th, 1842, - - - - -	166	180, 266				
116	A bill for the relief of the citizens of Huntington county, - - - - -	174	209, 219	219	483	575	569
117	A bill to increase the width of the Frankfort road,	175	209, 219	219	376	377, 419	472
118	A bill to define the duties of notaries public, - - -	175	209, 256				
119	A bill for the relief of the people of Indiana, - - -	175	176, 177, 178				
120	A bill abolishing attorney's docket fees, - - - - -	183	210, 211	212	393	393, 463, 526	568
121	A bill to amend the acts regulating State Prison,	187	455, 482	482	524	528	569
122	A bill for the relief of Wm. McCullough of Switzerland county, - - - - -	187	212, 250, 380	381	553	575	620
123	A bill to provide for paying claims, &c. on W. & E. Canal, - - - - -	189	212, 246	246	592	592, 638	655
124	A bill for the collection of tax on Bank stock in Dearborn county, - - - - -	194	194, 194	194	483	575	621
125	A bill concerning Lawrenceburgh and Indianapolis Railroad, - - - - -	198	198, 227, 246	246	694	716	748
126	A bill giving further time to treasurer of Perry county, - - - - -	198	198, 223				
127	A bill to facilitate settlement with Milton Stapp,	198	212, 293, 314, 382	382	606	637	655
128	A bill to provide for election of prosecuting attorneys by the people, - - - - -	199	212, 342, 343, 344 [345		606	434, 648	655
129	A bill relative to jurisdiction of justices of the peace in Johnson county, - - - - -	199	199, 454				
130	A bill relative to jurisdiction of justices of the peace in Boone county, - - - - -	199	212, 248, 249, 474				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
131	A bill abolishing office of county auditor in certain counties, - - - - -	199	199, 212, 223, 264				
132	A bill to amend the revenue law, - - - - -	204	218, 246	246	606	648	655
133	A bill to authorize sheriff of Sullivan county to select appraisers, - - - - -	209	209				
134	A bill to repeal certain acts therein named, - - - - -	209	218, 246	209	217	224	239
135	A bill supplemental to sale of delinquent lands, - - - - -	209	209	246	483	526	569
136	A bill reducing the expenses of Porter county, &c. - - - - -	209	209, 231	209			
140	A bill amendatory of the law regulating elections, - - - - -	224	224, 488, 608, 609	231	663	684	717
141	A bill in relation to school districts, - - - - -	226	243, 262	262			
142	A bill regulating rate of tolls on W. and E. Canal, - - - - -	227	243, 262	262	377	419	472
143	A bill to divide the State into Congressional districts, - - - - -	228	[228, 229, 230, 268 269, 270, 279, 280	431	622	[622, 623, 624, 629 630, 664, 676, 716]	749
			281, 282, 283, 300 301, 302, 350, 423 424-5-6-7-8-9, 430				
144	A bill for the relief of Abigail Trask, - - - - -	231	231 [431]	231			
145	A bill providing for signing, &c. W. and E. Canal Land Scrip E. Tip. - - - - -	236	243, 262	262	592	592, 637	655

146	A bill to relocate the seat of justice in Crawford county, - - - - -	237	237, 243	243	270	272	315
147	A bill for the relief of Stephen Kitson, of Kosciusko county, - - - - -	240	240	240	241	247	250
148	A bill for the relief of certain persons therein named, - - - - -	240	240	240	695	695, 748	809
149	A bill to appoint commissioners to locate a State road in Fayette county, - - - - -	240	240, 263, 264, 298				
150	A bill amendatory of the act concerning clerks, - - - - -	240	240, 241 [397				
151	A bill for the relief of John Brookbank, - - - - -	247	247, 278, 380	381	606	648	655 -
152	A bill to vacate Oak street, &c. in Charlestown, - - - - -	248	259, 380	381	524	528	569
153	A bill for the relief of purchasers of saline lands, &c. - - - - -	248	248, 258	258	377	407	419
154	A bill to incorporate the town of Portland, - - - - -	248	248, 264, 462		463	462	519
155	A bill to legalize the location of a road in Miami county, - - - - -	250	259				
156	A bill relative to suits against Miami Indians, - - - - -	251	251, 381	381	699	699, 748	809
157	A bill to repeal the act regulating distress for rent, - - - - -	251	251, 690				
158	A bill concerning the mode of doing township business in Miami county, - - - - -	251	260, 274, 380	381	606	638	654
159	A bill to change the name of Henry Harrison Collins, - - - - -	251	251, 251	251	663	684	718
160	A bill making scrip receivable for W. & E. Canal lands, - - - - -	251	251, 341, 342				
161	A bill concerning the recorder of Knox county, - - - - -	251	251, 251	251			
162	A bill to provide for longer stay of execution, &c. - - - - -	252	260, 628				
163	A bill to reduce the tolls on N. Albany and Vincennes road, - - - - -	256	293, 376, 396	396	554	555, 602	621

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

834

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
165	A bill for payment of expenses relative to the school fund, - - - - -	257	257, 380	381	699	699, 748	809
166	A bill concerning the equalization of real estate in Elkhart county, - - - - -	257	383, 412, 608	413	807		802
167	A bill to divorce Janet Mulloy from Jas. Mulloy, - - - - -	258	352, 382	382			
168	A bill for the relief of Zera Sutherland, - - - - -	264	[293, 294, 350, 351	419	571	571, 594	620
169	A bill to divorce Elizabeth Brown from John D. Brown, - - - - -	265	352, 378, 418] 293, 381	381			
170	A bill relative to Logansport and Ft. Wayne State road, - - - - -	265	265, 473, 486	486			
171	A bill to amend all acts subjecting real and personal property to execution, - - - - -	266	[266, 330, 331, 332 333, 334, 335, 383 384, 385, 386, 390 391, 405, 406, 413 267, 381 [414] 381, 547	415	619	[649, 650, 667, 668 694, 700, 719, 772]	809
172	A bill for the relief of Zimri Moon, - - - - -	267		381	744		
173	A bill providing punishment for defaulting officers, - - - - -	267					
174	A bill providing for opening, &c. roads in Bartholomew county, - - - - -	267	268, 370, 370	370	570	570, 602	621
175	A bill for the relief of Hiram Prather, - - - - -	268	268, 289, 382	382	570	602	621

176	A bill to change the name of Luther Thomas Griffing, - - - - -	268	293, 381	381	606	638	654
177	A bill fixing the time of holding courts in the 11th circuit, - - - - -	268	268, 268	268	286	286, 302	338
178	A bill for the relief of the people of Vermillion county, - - - - -	268	268, 380	381	606	638	654
179	A bill for the relief of Harmon Warram, of Hancock county, - - - - -	268	268, 357	357	699	737	770
180	A bill to regulate the pay of members of the General Assembly, - - - - -	277	[387, 404, 435 481, 482, 533, 534]				
181	A bill relative to the Perry county seminary, - - - - -	279	293, 381	381	606	637	654
182	A bill to make Bank scrip receivable for Wabash and Erie Canal Lands East of Tippecanoe River, - - - - -	279	403				
183	A bill for the regulation of the grave yard at Lafayette, - - - - -	279	279, 378	378	606	648	655
185	A bill to amend act giving the public works to private companies, - - - - -	288	288, 375, 376, 403	404	577	602	621
186	A bill to locate a State road in Wayne county, - - - - -	288	288, 382	382	606	648	655
187	A bill subjecting choses in action to payment of debts, - - - - -	293	403, 581				
188	A bill for the relief of David Matlock, - - - - -	296	401, 423	423	718	762	789
189	A bill to incorporate the Columbus Band, - - - - -	296	401, 423	423	663	716	748
190	A bill authorizing a subscription for the History of Indiana, - - - - -	296	401, 423	423	498	575	621
192	A bill for the relief of Nathan Burchfield, - - - - -	298	298, 360, 401, 423	423	719	719, 762	789
193	A bill to extend the act for relief of settlers on W. and E. Canal lands, - - - - -	298	401, 423				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
194	A bill to form a new county out of the counties of Knox, Greene, &c.	310	402, 404	404			
196	A bill concerning trustees of Presbyterian Church, Fort Wayne,	326	326, 360, 381	381	463	463, 489	519
197	A bill abolishing the office of county auditor in certain counties,	327	327, 328, 329, 380	381			
199	A bill in relation to keeping the trust funds, (revision,) -	330	557	609	695		811
200	A bill legalizing election of trustees of Jennings county library,	340	340, 340	340	376	419	472
201	A bill concerning liens upon judgments, and other purposes,	340	340, 454, 614, 636				
202	A bill to provide for sale of lands mortgaged to sinking fund, &c.	350	[637 350, 691	691	744		
203	A bill to amend act appointing com'rs to locate certain State roads,	354	354, 354	354	718	773	789
204	A bill for the relief of certain persons therein named,	358	202, 203, 560, 561				
205	A bill to amend act for leasing water power at Pittsburgh,	358	402, 423	423		737	770

206	A bill to extend the jurisdiction of justices of the peace and constables, - - - - -	359	402, 423	423	718	773	789
207	A bill to vacate certain alleys in the town of Brookville, - - - - -	360	402, 423	423			
209	A bill to vacate the town of Marion, Lagrange county, - - - - -	360	402, 423	423	663	664, 717	749
210	A bill for the relief of purchasers of W. & E. Canal lands, - - - - -	360	402, 423	423	744	745	
211	A bill to authorize the location of a certain State road, - - - - -	360	402				
212	A bill to provide for township assessors in certain counties, - - - - -	362	362, 381	381			569
213	A bill to incorporate the town of Leavenworth, - - - - -	362	362, 389	389	524	575	
214	A bill to repeal an act concerning roads and highways, - - - - -	362	362				
215	A bill to amend a certain act relative to county treasurers, - - - - -	362	402, 700				
216	A bill to incorporate the Spring Creek Academy, - - - - -	362	362, 396, 405	405	663	716	748
217	A bill in relation to the letting of water power, - - - - -	370	402, 423	423	719	719, 798	810
218	A bill for the relief of securities of John Plasters, - - - - -	370	370, 370	370	592	592, 638	654
223	A bill to authorize county surveyors to take acknowledgment of deeds, - - - - -	373	373, 433				
224	A bill to incorporate the Marion Band, in Grant county, - - - - -	373	373, 450		663	717	749
225	A bill relative to administrator of estate of M. H. Kempton, deceased, - - - - -	373	373, 373	373	744	745, 798	810
226	A bill to vacate the town of New Lexington, Grant county, - - - - -	373	402, 402	402	663	684	717

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
227	A bill to incorporate the Delany Academy, War- rick county, - - - - -	373	373, 451		591	637	654
228	A bill authorizing the publication of certain laws in German, - - - - -	373	373, 374				
229	A bill to incorporate the German, &c. Church, in New Albany, - - - - -	374	374, 449, 482, 617	618	745	798	810
230	A bill to re-locate a State road in Bartholomew and Brown counties, - - - - -	374	374, 374	374	591	620	621
231	A bill in relation to three per cent. fund in Mon- roe county, - - - - -	374	374, 374	374	718	762, 773	789
232	A bill in relation to doing county business in Washington county, - - - - -	374	374, 404	404			
233	A bill for the relief of W. F. Lane and Gideon Lane, - - - - -	374	374, 374	374	719	748	810
234	A bill for the relief of Nancy Wolfington, - - -	375	375, 375	375			
235	A bill to provide for the construction of a railway in Laporte county, - - - - -	387	[387, 450, 451 480, 481, 528, 529]	529	744	743, 759, 759	789
236	A bill concerning the Hagerstown Canal Company, -	389	389, 452	452	718	762	717
237	A bill to locate a State road in Greene county, -	390	390, 390	390	663	684	

238	A bill for the relief of Henry Ingle, of Clay county,	390	390, 411, 411, 440	440	719	771	809
239	A bill to incorporate the Vevay band of musicians,	390	390, 390	390			
240	A bill relative to the levy of taxes for county purposes,	393	393, 409, 410				
241	A bill to locate a State road therein named,	396	396	423	591	620	621
242	A bill to locate the seat of justice in Benton county,	396	396, 423				
243	A bill to change the time of holding probate courts in Jay county,	396	396, 396	396	498	498, 527	569
244	A bill for the relief of settlers on canal lands,	396	423, 440, 466	466	695	696, 742, 743	812
245	A bill amending the act incorporating Cambridge City,	396	396, 396	396	663	716	749
246	A bill in relation to selecting jurors in Monroe and Brown counties,	397	397, 423	423			
247	A bill amending act relating to county seminaries, &c.,	400	400, 555, 556				
248	A bill to change the time of holding probate courts in Vigo county,	400	400, 423	423	718	772	789
249	A bill for the relief of tax payers in Franklin t'p, Washington county,	400	400, 423	423	718	762	789
250	A bill to incorporate the "Lafayette Huzzars,"	400	400, 701	701	745	806	811
251	A bill for the relief of J. C. Reilly, of Perry county,	400	400, 412	412	591	620	621
252	A bill to legalize certain State road in Wabash county,	400	400				
253	A bill for organizing board of commissioners in Putnam county,	400	400, 400	400			
254	A bill declaring certain names a misprint,	400	400, 400	400	463	526	568
255	A bill relative to poor house farm in Tippecanoe county,	401	401, 401	401	463	526	569

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

840

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
256	A bill to provide for the election of prosecuting attorneys by the people, - - - - -	401	421, 422	423	746	746, 798	810
257	A bill to amend act relative to Rome and Poali State road, - - - - -	406	406, 406	406	663	737	770
258	A bill to amend act to repeal certain sections of act concerning treasurers, - - - - -	411	411, 411	411	780	805	811
259	A bill to extend time for treasurer of Clinton county to distrain property, - - - - -	412	412, 437, 467	468	718	748	809
260	A bill for the location of a State road in Sullivan and Clay counties, - - - - -	413	413				
261	A bill to establish the county of Burlington, - - - - -	420	437, 439, 440, 552				
262	A bill for the relief of purchasers of school lands, - - - - -	420	420, 484 [553	484			
263	A bill for the relief of trustees of Methodist Church in Centreville, - - - - -	420	420, 420	420		637	654
264	A bill declaring the meaning of a certain act, - - - - -	420	520, 729				
265	A bill to amend the act concerning clerks and auditors, - - - - -	420	436, 481	481	570	602	621
266	A bill to authorize commissioners of Boone county to do certain act, - - - - -	420	436, 482	482	607	638	655

267	A bill to amend an act to provide for keeper of State House,	420	420, 610, 611, 625	626				
268	A bill authorizing S. Lounsbury to build mill dam,	434	482	[626	591	787, 805	811	
269	A bill to locate a State road from Evansville to Petersburg,	434	434, 434	434	591	648	655	
270	A bill to locate a State road from Decatur to Liberty Mills,	434	434					
106 271	A bill for the location of a State road in Clay and Owen counties,	435	435					
272	A bill regulating the pay of assessors,	435	435, 467, 486					
273	A bill for the relief of Martin county,	436	436, 467					
H 274	A bill to legalize the will of Rowland Hunter, deceased,	449	449, 449	449	787		813	
276	A bill to change a certain State road in Monroe county,	449	449, 449	449	524	528	569	
277	A bill regulating the granting of license in Rush county,	455	455, 481	481	570	571, 587, 638	654	
278	A bill regulating fees of clerks in naturalization cases,	455	455, 455	455				
279	A bill authorizing the printing of the laws in the German language,	458	[459, 561	566	807	807	813	
280	A bill for the encouragement of the manufacture of silk,	459	562, 563, 564, 565]	632	744	748	809	
281	A bill relative to granting licenses in Jennings <i>et. al.</i> counties,	459	482, 631, 632	632	744	748	809	
282	A bill supplemental to the relief law,	459	459, 459	459	607	638	655	
283	A bill to open the Bloomington and Salem road,	460	482, 486	486				
284	A bill to incorporate the Wabash Bridge Comp'y,	460	460, 460	460	719	770	809	
285	A bill to change the alleys in t'n of Eagle Village,	460	460, 611	611	744	771	809	
		460	460, 460	460	787		812	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
286	A bill to locate a road from Vincennes to Dick- burgh, - - - - -	460	460, 460	460		748	810
287	A bill to amend act concerning ejectment, &c., -	461	461, 566	567	699	737	770
288	A bill relative to the jurisdiction of justices of the peace in Vigo county, - - - - -	462	462, 608	608			
289	A bill to provide for assessment of damages on W. and E. Canal W. of Tip. - - - - -	462	462, 476, 486	486	807	806	812
290	A bill concerning county board in Daviess county, -	462	462, 462	462	570	602	621
291	A bill for relief of people in Noble and Lagrange counties, - - - - -	462	462, 527	527	554	554, 575	621
292	A bill for the relief of J. J. Burton and J. Luther, -	462	462, 488	488	592	592	655
293	A bill to authorize building of a bridge across Deer Creek, - - - - -	462	462, 472, 486	486			
294	A bill for purchasing books for convicts, - - - - -	467	485, 498	498	787		812
296	A bill to change a certain State road in Rush county, - - - - -	475	475, 475	475	718	762	789
298	A bill to improve Fort Wayne and South Bend State road, - - - - -	479	479, 599	599			
299	A bill to improve certain State roads, - - - - -	479	479, 599, 779	599	695	696, 736, 737, 808	

300	A bill relative to church property of Roman Catholic church, - - - - -	480	480, 599, 600, 601						
301	A bill to amend act regulating duties of justices of the peace, - - - - -	480	480	484				812	
302	A bill declaring a certain name a misprint, &c. - - - - -	484	484, 484						
303	A bill to confine the voters of Union county to their townships, - - - - -	485	485, 498	498	720	721, 783			
304	A bill to compel supervisors to expend moneys, &c. - - - - -	485	485, 599	599	781	806		812	
305	A bill to review a State road therein named, - - - - -	484	484, 484	484	787			812	
307	A bill relative to the northern division of Central Canal, - - - - -	487	487, 582	583					
308	A bill authorizing the election of county surveyors, - - - - -	489	489, 690						
309	A bill to encourage agricultural improvements, &c. - - - - -	490	490, 490		651	748		809	
310	A bill to open a State road in Daviess, &c. counties, - - - - -	497	497						
311	A bill supplemental to act incorporating Centreville, - - - - -	497	497, 497	497	553	575		620	
312	A bill to vacate a part of a State road, Elkhart county, - - - - -	497	497						
313	A bill for the relief of Henry Johns, - - - - -	499	594, 610	610	693	693, 748		809	
314	A bill to incorporate the Perrysville C. Lock Company, - - - - -	499	499, 604, 625	625	781	799		810	
315	A bill relative to taxation for State purposes, - - - - -	516	516, 539, 558	559	780			810	
316	A bill making general appropriations for 1843, - - - - -	516	516, 539, 540, 558	558	788	806		812	
317	A bill making specific appropriations for 1843, - - - - -	516	756, 794	794	801	801, 806		813	
318	A bill to provide for reduction of State stock in Bank, - - - - -	516	[516, 529 530, 535, 536, 558]	558	622	648		655	
319	A bill to use part of three per cent. for current expenditures, - - - - -	516	516, 539, 558	558	788	806		811	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
320	A bill to defray expenses of State Government, -	517					
321	A bill relative to the recording of patents, -	517					
323	A bill to incorporate the physicians of the several counties, - - - - -	519					
324	A bill relative to taxes on sheep, - - - - -	519	594, 756				
325	A bill concerning holding elections in Parke county, - - - - -	519	519, 519	519	553	575	620
326	A bill for the relief of Robert Wilson, - - - - -	519	519, 519	519			
327	A bill for the relief of borrowers of sinking, &c. funds, - - - - -	519	[519, 525 526, 574, 676, 732]	732	781	798	810
328	A bill for building bridge across Big Walnut River, Putnam county, - - - - -	520	520, 520 [530, 530 548, 549, 550, 551]	520	607	638	654
329	A bill relative to Wabash and Erie Canal scrip, -	530					
330	A bill in relation to White river bridge, in Marion county, - - - - -	533	533, 540, 728, 777	777			
331	A bill regulating the pay of supervisors in Rush county, - - - - -	535	535, 599	599	695	696	
332	A bill for the relief of sundry citizens of Charles-town, - - - - -	537	537, 537	537			812

333	A bill to restrict county commissioners in certain counties, - - - - -	537	537, 537	537	788	806	813
334	A bill to vacate the town of Wirt, in Jefferson county, - - - - -	537	537				
335	A bill appointing commissioners to locate certain State road, - - - - -	537	537				
336	A bill declaring a county line a State road, - - - - -	538	538				
337	A bill to amend act declaring county road a State road, - - - - -	538	538				
338	A bill relative to State road in St. Joseph county, - - - - -	538	538				
339	A bill to amend act concerning duties, &c. of justices of the peace, - - - - -	538	538, 690				
340	A bill for the relief of the people of the State of Indiana, - - - - -	538	538				
341	A bill to amend execution law, (set off) - - - - -	538	538, 729		788		813
342	A bill for the relief of Alexander Ray, - - - - -	538	538, 538				
343	A bill explanatory of act relative to "Vevay Seminary," - - - - -	538	538, 538		788		813
346	A bill relative to jurisdiction of justices of the peace in Laporte county, - - - - -	542	542, 542		781	805	811
347	A bill making $\frac{1}{4}$ of 1 per cent. scrip bear 6 per ct. interest, - - - - -	542	542, 582, 750, 777	777			
348	A bill concerning the eligibility of directors, - - - - -	547	547, 593, 610	610		771	809
349	A bill to repeal 30th section of 2d amendment of Bank charter, - - - - -	547	547, 593, 610	610		737	
350	A bill for payment of taxes of non-residents in S. Treasury, - - - - -	547	[547, 561, 580, 581 609, 618, 686, 756]				
351	A bill for the relief of Isaac Nelson, - - - - -	548	548, 594	594			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
352	A bill to provide for recording State road in Vigo, &c. counties, - - - - -	551	551, 551	551	607	638	654
353	A bill to amend act relative to crime and punishment, - - - - -	552	552, 690				
354	A bill to suspend the further letting upon the W. and E. Canal, - - - - -	552	552				
355	A bill supplemental to act for recording a certain State road, - - - - -	553	553, 572	572			
356	A bill to amend an act approved Feb. 24, 1840, - -	555	555, 730, 778				
357	A bill for the relief of certain congressional township in Porter county, - - - - -	555	555, 555	555	788		813
358	A bill to organize the county of Tipton, - - -	567	595, 610	610			
359	A bill to authorize Amos Myers to build a mill dam, - - - - -	572	572, 572	572	788		813
361	A bill in relation to certain water power, - - -	573	573, 573	573			
362	A bill for the relief of Samuel L. McMellen, - -	574	574	574			
364	A bill attaching part of Tippecanoe county to Carroll county, - - - - -	576	577 (rejected)				
365	A bill regulating fees and salaries - - - - -		773, 774, 775	775			

369	A bill to legalize the acts of Conrad Beard,	578	578, 578	578	788	806	811
370	A bill authorizing Marion Guards to occupy room on Governor's Circle, - - - - -	578	578, 610	610			
372	A bill for the relief of James Silvers, of Rush co'ty,	583	583, 610	610			
373	A bill for the relief of James Smith, of Gibson county, - - - - -	584	584, 610	610	651	667	694
374	A bill for the relief of Kinney, Wright, & Gookins,	584	608, 694	694	720	772	789
376	A bill to locate a State road in Wells and Hunt- ington counties, - - - - -	587	587				
377	A bill to locate a State road in Putnam, Clay, and Vigo counties, - - - - -	588	588				
378	A bill relative to school taxes in Noble and La- grange counties, - - - - -	588	588, 588	588	651	684	718
379	A bill to extend the provisions of certain acts to Kosciusko county, - - - - -	588	588, 588	588	651	652, 717	749
381	A bill relative to the Seminary fund in Cass county,	588	588, 607	607	695	699, 748	809
382	A bill to repeal certain sections of act therein named, - - - - -	588	588, 656, 685	685			
383	A bill to repeal portion of act relative to county auditors, &c. - - - - -	588	588, 609	610	651	652, 737	770
384	A bill for the relief of James and Abigail Gee, -	589	589, 589	589	694	717	749
385	A bill concerning transcribing a record in Clay county, - - - - -	589	589, 589	589	651	652, 716	748
386	A bill providing punishment for public defaulters,	590	591				
387	A bill to locate a State road from Ohio line to Ft. Wayne, - - - - -	591	591				
388	A bill fixing the time of holding courts in 10th circuit, - - - - -	593	593		744		
389	A bill for finishing bridge over Laughery creek, -	599	599, 599	599	744	745, 805	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

848

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
390	A bill to locate a State road in Orange county, -	603	603, 603	603	651	716	748
391	A bill for the relief of Hyacinth Lasselle, jr. -	604	604, 626, 627, 666				
392	A bill to rescind an order on record in Grant county, - - - - -	604	604, 604	604	695	696, 748	
393	A bill to authorize the erection of a dam across Elkhart river, - - - - -	604	604, 604	604	694	717	749
395	A bill for the relief of certain persons therein named, - - - - -	605	605, 627	627			
396	A bill to regulate the jurisdiction of justices of the peace in Union, Johnson, and Martin counties, -	605	605, 605	605	651	744, 771	809
397	A bill to organize independent companies, &c. -	606	606				
398	A bill to repeal certain act therein named, -	606	606, 606	606		667	694
399	A bill defining duty of boards doing county busi- ness, - - - - -	606	606, 656, 685	685			
400	A bill in relation to county seminary, &c. in La- porte county, - - - - -	606	606, 606	606	694	717	749
401	A bill to locate State road in Noble county, -	606	606, 606	606	651	717	749
402	A bill to change the name of Wm. Toddhunter, -	607	608, 608	608	651	667	694
403	A bill to make common schools more efficient, -	608	608, 608	608	634	648	654

404	A bill relative to interest on money, - - -	608	608, 691	610	651	667	694
405	A bill to amend the charter of Mt. Carmel and N. Albany Railroad Company, - - -	610	610, 610	610			
406	A bill appointing commissioners to locate a certain State road, - - -	616	616				
107	A bill regulating salaries of Auditor, Secretary, and Treasurer, - - -	617	778, 794	802			
408	A bill in relation to public nuisance caused by roads, &c. - - -	617	778, 796				
409	A bill to authorize re-building of bridge at Logansport, - - -	617	617	617	720	773	789
410	A bill appointing commissioners to locate road in Martin and Dubois county, - - -	618	618				
411	A bill for the relief of board of commissioners in Clay county, - - -	618	618, 658	658	720	721, 762	789
412	A bill supplemental to act for re-location of seat of justice in Crawford county, - - -	618	712, 713, 758, 759				
413	A bill to reduce expenses of the several counties in this State, - - -	618	618, 685	685			
414	A bill concerning road taxes in Dearborn and Switzerland counties, - - -	619	619, 619				
415	A bill for relief of purchasers of seminary land, Monroe county, - - -	619	619, 619	619		762	789
416	A bill to repeal certain act so far as relates to Switzerland county, - - -	619	619, 619	619	720	721, 771	810
417	A bill in relation to canal land patents, - - -	620	620, 659	659	719	773	789
418	A bill to repeal 16th section of act relative to co. treasurers, - - -	620	620, 684, 730	730	781	798	810
419	A bill defining duty of sheriffs in Owen county, - - -	628	628, 628	628	744	745, 790	809

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

850

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
420	A bill regulating elections in Shelby county, -	629	629, 629	629	720	772	789
422	A bill to provide for election of three school com- missioners in Parke county, - - -	630	630, 630	630	744	745, 770	810
423	A bill to amend act organizing the militia, -	630	630, 630	630	720	772	789
424	A bill supplemental to act for relief of Reuben Main, - - - - -	632	632	632	797	805	811
425	A bill to amend an act therein named, -	632	632, 632	632	744	748	809
426	A bill to attach the county of Morgan to 5th judi- cial circuit, - - - - -	633	633, 634				
427	A bill to divorce Eli Davidson from his wife Mar- garet, - - - - -	635	635, 685	685			
428	A bill to provide for building bridge over Wabash and Erie Canal in Tippecanoe county, -	637	637, 665, 747 [639, 642]	747	808		813
429	A bill on the subject of highways, bridges, and fer- ries, (revision) - - - - -	639	643, 644, 645, 646]	646	695		
430	A bill for payment of claims due on account of White Water Canal, - - - - -	639	639, 665, 685, 686				
431	A bill to extend certain act to counties of Hunt- ington and Wells, - - - - -	639	639, 639	639	694	717	749

432	A bill to amend act relative to descents, distribution, and dower, - - - - -	639	639, 752	752	779	779, 806, 807	811
433	A bill to legalize the mill dam across the Salamonie river, - - - - -	640	640, 640	640	694	716	748
434	A bill to amend act concerning constables, &c. - - -	641	641, 728	728	745	771	810
435	A bill to locate State road in De Kalb and Noble counties, - - - - -	641	641, 641	641	720	748	809
436	A bill concerning State roads, - - - - -	659	659, 710, 711	711			812
437	A bill to authorize L. M. R. Pumphrey to build a mill dam, &c. - - - - -	660	778		797		811
439	A bill to amend the school law, - - - - -	665	665, 733				
442	A bill to provide for selecting petit jurors in Hancock county, - - - - -	671	671, 671	671			
443	A bill to establish a State road in Scott county, - - -	671	671, 671	671	744		
444	A bill concerning a State road therein named, - - -	671	671				
445	A bill declaring certain county road a State road, Clay county, - - - - -	672	672, 672	672	720	799	811
446	A bill to continue in force a certain act therein named, - - - - -	672	672, 672	672	720	748	810
447	A bill concerning liens, - - - - -	672	672	672			
448	A bill to authorize location of certain State road, - - -	672	672, 672	672			
449	A bill to provide for selecting jurors in Madison county, - - - - -	672	672, 672	672		771	
450	A bill to incorporate the Dayton Band, - - - - -	672	672, 700, 755	755	779	805	811
451	A bill for relief of E. Harris and S. Autin, - - - - -	672	672, 687	687	746	798	811
452	A bill to provide for education of deaf and dumb, - - -	672	672, 724, 777	777	797		812
453	A bill in relation to the bonds of county treasurers, &c., - - - - -	672	672, 691	691			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
454	A bill defining duty of school commissioners in Parke county, - - - - -	673	673, 673	673	744	770	809
455	A bill supplemental to act concerning W. & Erie Canal W. of Tip. River, - - - - -	673	673, 692	692			
456	A bill in relation to county asylums, - - - - -	673	673, 685	685			
457	A bill making scrip receivable for improvements on canal lands, - - - - -	673	673, 674				
458	A bill concerning writ of <i>certiorari</i> , (revision) - - - - -	675	675				
459	A bill supplemental to act relative to History of Indiana, - - - - -	675	675, 751	751	787		813
461	A bill to establish an asylum for the deaf and dumb, - - - - -	675	675, 724, 777	777			
463	A bill to repeal certain parts of act therein named, - - - - -	676	676, 676	676	744	762	789
465	A bill regulating pay of members of the General Assembly, - - - - -	681	682, 683, 684, 702				
466	A bill concerning courts of justices of the peace and constables, (revision) - - - - -	686	686, 711				
467	A bill to locate road from Wabash town to Noblesville, - - - - -	686	686				

468	A bill to reduce the cost of enrolling the acts,	687	687, 778				
470	A bill concerning county boundaries,	689	689	804	805		
471	A bill regulating the jurisdiction of justices of the peace in Pike county,	689	689, 728				
472	A bill to amend the act for more uniform mode of doing township business,	690	690, 690 [704	690	699, 721, 799	811	
476	A bill to reduce the per diem allowance of the members of the General Assembly,	704	705, 706, 707, 708 709, 710, 738, 739 740, 741, 743, 752]		771		
477	A bill for relief of certain persons therein named,	704	704, 705, 777	777	804	812	
478	A bill authorizing justices of the peace to perform duties of overseers of poor,	705	705				
479	A bill to repeal part of charter of Indiana Iron Company,	705	705, 705	705	772	789	
480	A bill providing for receiving scrip as interest on sinking fund,	705	705, 726				
481	A bill to repeal an act therein named,	706	706, 706	706	746	810	
483	A bill to require Bank to continue specie payments, &c.	713	[713, 734, 735 736, 763, 764, 765 766, 767, 768, 769]	802		813	
484	A bill for the relief of Putnam county,	718	718, 718	718	770		
486	A bill to provide for loaning school fund in Vigo county,	725	725, 725	725			
487	A bill in relation to specific allowances,	727	727				
488	A bill to re-locate the county seat of Clay county,	728	728, 728	728	799	811	
489	A bill in relation to county seminaries,	728	728, 728	728	798	812	
490	A bill to declare and correct a misprint, &c.	730	730, 730	730	807		
491	A bill to abolish complete records in criminal cases,	730	730, 730	730	799	811	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings, &c.	Passed House.	Passed Senate.	Other proceedings.	Approved.
492	A bill to provide for an additional stay of execution, - - - - -	730	730, 731				
493	A bill to authorize special term of probate court in Allen county, - - - - -	732	732, 732	732	782	799	811
494	A bill for payment of claims due on White Water Canal, - - - - -	732	732				
495	A bill to amend act prescribing duties of county treasurer, - - - - -	732	732, 732	732			
496	A bill to reduce the expenses of Gen'l Assembly, - - - - -	732	733				
497	A bill for relief of pre-emptioners in Miami county, - - - - -	732	733, 777	777	780		
498	A bill to amend the act for preservation of sheep, - - - - -	751	751, 751	751	787		811
499	A bill authorizing re-location of State road in Clay county, - - - - -	751	751, 751	751	787		811
504	A bill authorizing commissioner of W. & E. Canal lands to sell in 40 acre lots, - - - - -	754	778		802		812
505	A bill supplemental to districting bill, - - - - -	754					
506	A bill defining duties of certain persons in Owen county, - - - - -	754	754, 777				

BILLS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
5	A bill legalizing the publication of delinquent list in Delaware county, - - - - -	91	91	119	
6	A bill to vacate the town of Frankfort, Lagrange county, - - - - -	70	86	119	
7	A bill for the location of a State road in Daviess county, - - - - -	592	593		
8	A bill providing for State road from Noble to Lagrange county, - - - - -	592	593		
9	A bill to confirm a title to certain heirs and devisees, - - - - -	91	119	128	
10	A bill to prescribe the time, &c. of holding courts in Allen county, - - - - -	182	182, 194	194	
13	A bill to authorize commissioners of Ripley county to pay associate judges, - - - - -	91	119, 135	152	
14	A bill incorporating South Bend Manufacturing Company, - - - - -	154	154, 181	194	210
15	A bill concerning petit jurors in certain counties, - - - - -	113	113, 127, 454		
16	A bill to legalize acts of clerk of Tippecanoe circuit court, - - - - -	113	113, 127	143	

19	A bill concerning jurors in Delaware, Grant, and Tippecanoe counties, - - - - -	145	166, 206, 288, 382	382
23	A bill to repeal the act incorporating the town of Greensburgh, - - - - -	483	483, 485, 497	497
25	A bill fixing times of holding courts in 9th circuit, - - - - -	182	182, 210	210
26	A bill authorizing special session of Floyd circuit court, - - - - -	112	113, 113	113
27	A bill concerning apportionment of members of General Assembly, - - - - -	217	243, 243	243
28	A bill relative to collection of delinquent taxes, - - - - -	154	154, 181, 204, 245	255
35	A bill to amend act prescribing mode of changing the venue, - - - - -	607	625, 655	285
36	A bill to prevent fraudulent conveyances, - - - - -	120	120, 120	120
38	A bill providing for special term of Montgomery circuit court, - - - - -	144	144, 144	144
41	A bill amending act relative to executions, - - - - -	416	416, 436, 640	640
47	A bill to authorize a special session of Johnson circuit court, - - - - -	154	154	
48	A bill to amend act concerning the militia, - - - - -	242	242, 434	434
50	A bill for the relief of the estate of H. O'Neal, dec'd, - - - - -	592	592, 609	609
51	A bill to amend act concerning crime and punishment, - - - - -	242	242	242
54	A bill regulating sale of real estate by executors, &c. - - - - -	498	498, 594, 658	658
55	A bill to amend act regulating practice in chancery, - - - - -	498	498, 690	
61	A bill to amend act for relief of Huntington co'ty, - - - - -	498	498, 594	603
63	A bill to provide for collection of township tax by county treasurers, - - - - -	498	498, 594	
64	A bill providing for State road in De Kalb county, - - - - -	524	524, 594	

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
68	A bill for the relief of Mary B. Brown, -	483	483, 486	486	
69	A bill for the relief of certain persons therein named, -	524	524, 581, 609	609	
70	A bill to amend [act] relative to election of justices of the peace in Harrison county, -	483	483, 496	496	496, 554
71	A bill to incorporate the Muncietown Band, -	524	524, 594	594	
72	A bill to amend act regulating fees and salaries, -	524	524, 657, 659, 663	660	744, 745
73	A bill to incorporate the Greensburgh Band, -	483	484, 484	484	
77	A bill relative to sale of public buildings in Knox county, -	524	595, 693	693	787
78	A bill concerning the late nominal Vincennes University, -	483	484, 486	486	
83	A bill for the relief of John J. Graham, -	524	530, 558	558	
84	A bill to amend the act incorporating St. Joseph Iron Company, -	483	484, 485	485	
85	A bill concerning a railroad from Muncietown to Fort Wayne, -	483	484, 485, 497	497	
87	A bill authorizing justices of the peace to perform duty of overseers of poor, -	570	571, 657		
91	A bill to amend the school law, -	607	625, 685	685	

96	A bill for relief of executors of Joseph Racliff, deceased,	607	625, 685	685
103	A bill to provide for preservation of canals, &c. (revision)	576	594, 595	596
104	A bill to incorporate the Darlington Company,	713	713	713
105	A bill for relief of Cornelius Ferree,	721	722, 723, 795	
106	A bill to locate a State road in Fulton county,	662	662	
108	A bill for the relief of William T. Scott,	651	652, 652	652
109	A bill to amend act concerning a road in Fayette county,	662	662	
110	A bill to amend act for inspection of salt, beef, &c.	662	663, 701	701
111	A bill to locate State road in Switzerland county,	416	416, 436	
112	A bill to incorporate the Tippecanoe Academy,	662	663, 685	685
113	A bill concerning school commissioner of St. Joseph county,	721	723, 723	723
114	A bill to repeal act extending certain acts to Grant county,	651	652	652
117	A bill to vacate a part of State road in Franklin county,	377	377, 402	
119	A bill to incorporate Cambridge City Turnpike Company,	524	524, 605	605
122	A bill for relief of borrowers of trust funds,	698		697
124	A bill to amend act changing the mode of selecting jurors,	662	663, 663	663
126	A bill to amend act concerning D. J. & I. Hancock, &c.	417	427, 456, 482	482
127	A bill to amend act concerning certain State road,	417	437, 675	675
128	A bill to relocate portion of Crawfordsville and Williamsport State road,	417	437	

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
129	A bill supplemental to act incorporating S. B. M. Company, - - - - -	417	417	417	
130	A bill for the relief of Cooper & Buchanan, - - -	721	723		
133	A bill for opening roads and highways in Posey county, - - - - -	463	464, 482	486	
134	A bill to amend act concerning the militia, - - -	695	696, 730, 777	777	
135	A bill fixing the time of holding probate court in Allen county, - - - - -	463	464	464	
136	A bill relative to summoning and empannelling jurors, - - - - -	463	464	464	
137	A bill concerning water power in Logansport, - -	571	603, 626, 628, 659	659	721
138	A bill to vacate certain alleys in town of Delphi, -	524	524	524	
140	A bill to authorize the building of dam over White river, in Knox county, - - - - -	696	697, 727	727	745
141	A bill legalizing appointment of constables in Floyd county, - - - - -	524	524		
142	A bill authorizing Rice Davis, of Floyd county, to make a deed, - - - - -	525	525, 558	558	

144	A bill to amend act concerning election of county assessors, - - - - -	553	554, 595, 750, 777	777
146	A bill legalizing the ordinances of the borough and city of Richmond, - - - - -	570	571, 605	605
148	A bill relative to Delphi Insurance Company, - - - - -	698	725	725
150	A bill to amend the act incorporating Terre Haute, - - - - -	607	690	690
151	A bill legalizing the recording of the addition to Fayetteville, - - - - -	662	663	663
152	A bill relative to payment of taxes by non-residents, - - - - -	742	795	
153	A bill to amend act to change town of Jeffersonville, - - - - -	592	593, 608, 627	627
154	A bill legalizing proceedings of Presbyterian church in Greensburgh, - - - - -	592	593, 608, 627	627
155	A bill fixing times of holding courts in 8th circuit, - - - - -	592	593, 602	602
157	A bill to incorporate a medical society in the city of Madison, - - - - -	698	726	726
158	A bill concerning completion of Wabash and Erie Canal, - - - - -	715	715	716
159	A bill to amend act to compel speculators to pay road tax, &c. - - - - -	663	664	664
160	A bill for relief of Philip Sweetser, - - - - -	571	572, 635	635
160	A bill in relation to Woram & Haughton, - - - - -	698	725	725
161	A bill to remove the office for sale of W. & Erie Canal lands, - - - - -	779	794, 795	
162	A bill legalizing appraisement of land in Madison county, - - - - -	592	593	593
166	A bill confirming the proceedings of certain trustees, - - - - -	592	627	627

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
167	A bill dividing congressional township No. 37 N. of range 4 East, - - - - -	592	592	592	
168	A bill consolidating certain school districts in Hancock county, - - - - -	663	778		
169	A bill to change the name of J. Thompson and M. E. Lee, - - - - -	662	663, 685	685	
172	A bill fixing specific compensation to auditor of Hancock county, - - - - -	650	685	685	744
173	A bill respecting the seminary of Martin county, - - - - -	650	650	650	
176	A bill providing against repeal of certain laws, - - - - -	663	664		
177	A bill fixing times of holding courts in 1st circuit, - - - - -	663	664	778	
180	A bill authorizing certain persons in Morgan co'ty to file claim, &c. - - - - -	695	696, 778		
181	A bill authorizing the building of dam in Jackson county, - - - - -	697	698, 727	727	
183	A bill providing for State road in Delaware, &c. - - - - -	697	698	698	
186	A bill to regulate the admission of negro children into schools, - - - - -	788	788		

188	A bill to amend act granting to Madison a city charter,	719	719	719
189	A bill concerning canals, railroads, &c. (revision)	711	711	723
190	A bill to locate a State road therein named,	721	722	723
191	A bill appointing commissioners to locate certain State roads,	721	722	723
192	A bill authorizing Messrs. Englishs to build a bridge over Wabash river,	721	723, 751	751
193	A bill legalizing the survey of certain State roads,	721	723	723
194	A bill changing the location of certain State road,	721	723	723
195	A bill establishing a board of trustees for library in Marion county,	721	723	723
196	A bill to revive act incorporating library in Crawford county,	720	720	720
200	A bill reducing fees of auditor in certain counties,	742	743, 777	777
201	A bill to incorporate the Dearborn County Cotton Manufacturing Company,	746	753	753
202	A bill concerning the recorder of Noble county,	747	747	747
203	A bill relative to enrolling the acts of the General Assembly,	742	743	743
204	A bill to amend the act concerning county auditor,	718	719	719
205	A bill for the relief of certain persons therein named,	742	743	743
206	A bill to amend the act therein named,	742	743	777
207	A bill relative to the printing, &c. of the Revised Code,	769	770, 778	779
208	A bill supplemental to act concerning borough and City of Richmond,	777	777	777

BILLS OF THE SENATE—Continued.

864

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
209	A bill remitting the penalties for non-payment of taxes, - - - - -	781.	795	795	
212	A bill for relief of late sheriff of Jackson county, - - - - -	781	781	781	
213	A bill for improving roads, &c. in Carroll county, - - - - -	782	782	782	
218	A bill for safe-keeping of common school fund, - - - - -	780	796		

BRADLEY, JOHN H.

Moves to record his vote upon the joint resolution of Senate relative to assumption of State debts by the General Govern- ment, - - - - -	665
---	-----

BROWN, JOSEPH F.

Elected Principal Clerk, - - - - -	6
Communication from, in obedience to resolution, - - -	171

BROWN, WILLIAM J.

Acquitted from charge of defalcation, - - -	303, 309, 310
---	---------------

BUELL, GEORGE P.

Resignation of, as director of State Bank, - - -	90
--	----

C

Clerks of House elected, - - - - -	6, 7, 8
------------------------------------	---------

COMMITTEES.

Committees, joint, - - - - -	11
Committees of the House, - - - - -	10

COMMUNICATIONS.

From Branches of State Bank, - - - - -	14
From His Excellency, the Governor, (annual message)	17
	31, 241
From Rev. Noah Packard, - - - - -	58, 72
From Governor, relative to Gen. Jackson's fine, - - -	615
From Governor, relative to American bond-holders, - - -	615
From Governor, relative to Eel River feeder dam, - - -	676
From Governor, relative to Quarter Master General, - - -	714

D**DAILY, WILLIAM.**

Elected director of Bank on part of State,	-	-	-	-	444
Dividing the State into congressional districts,	12,	35,	36,	228,	229,
	230,	268,	269,	270,	424,
	425,	426,	427,	428,	429,
	430,	431,	432,	622,	623,
	624,	629,	630.		
Door Keeper elected, (J. C. Hogin)	-	-	-	-	9

DRAKE, JAMES P.

Elected director of State Bank,	-	-	-	-	-	447
---------------------------------	---	---	---	---	---	-----

DUNBAR, EZEKIEL L.

Dies,	-	-	-	-	-	-	-	-	252
Proceedings of House in relation thereto,	-	-	-	-	-	-	-	-	252, 253
Proceedings of Senate in relation thereto,	-	-	-	-	-	-	-	-	254

E**EDMONSTON, BENJAMIN R.**

From the county of Dubois, appeared and sworn into office,	-	72
Excused from voting,	-	72, 74

ELECTIONS.

Thomas J. Henley elected Speaker,	-	-	-	-	-	5
Joseph F. Brown elected Principal Clerk,	-	-	-	-	-	6
Andrew J. Harlan elected Assistant Clerk,	-	-	-	-	-	6
John W. Rush elected Enrolling Clerk,	-	-	-	-	-	8
John C. Hogin elected Door Keeper,	-	-	-	-	-	9
David Stipp elected Sergeant-at-Arms,	-	-	-	-	-	16
William J. Peaslee elected President Judge for 5th Circuit,	-	-	-	-	-	101
William A. Porter elected Prosecuting Attorney for 2d Circuit,	-	-	-	-	-	102
Abraham A. Hammond elected Pros. Attorney for 5th Circuit,	-	-	-	-	-	107
John P. Usher elected Prosecuting Attorney for 7th Circuit,	-	-	-	-	-	108
E. M. Chamberlain elected Prosec'g Attorney for 9th Circuit,	-	-	-	-	-	108
William G. Quick elected Prosecut'g Attorney for 10th Circuit,	-	-	-	-	-	109
James Blair elected Com'r on W. & E. Canal W. Tip. River,	-	-	-	-	-	439
William Dailey elected Director of State Bank,	-	-	-	-	-	444
Abel C. Pepper elected Director of State Bank,	-	-	-	-	-	445
James P. Drake elected Director of State Bank,	-	-	-	-	-	447
Edward A. Hannegan elected U. S. Senator,	-	-	-	-	-	495

ENROLLING CLERK.

Office abolished, and duties given to Secretary of State by bill of Senate No. 203, - - - - -	743
---	-----

G

GOVERNOR.

Communicates his annual message, - - - - -	17
Communicates the name of his Private Secretary, - - -	31
Communicates resignation of W. T. T. Jones and George P. Buell, (directors) - - - - -	90
Communication from, concerning the State Prison, - -	171
Communication from, concerning Indianapolis Railroad, -	241
Communication from, concerning J. J. Cohen, Jr. & Brothers, -	452
Communication from, concerning disabled boatmen, &c. -	455
Communication from, concerning Eel River feeder dam, -	676

H

Hannegan, Edward A. elected Senator in the Congress of U. States, in place of O. H. Smith, - - - - -	495
Harlan, Andrew J. elected Assistant Clerk, - - - - -	6
Henley, Thomas J. elected Speaker, - - - - -	5
Hogin, John C. elected Door Keeper, - - - - -	9

I

Investigation of the condition of the State Bank and Branches, by N. B. Palmer, Esq. - - - - -	133
--	-----

J

JACKSON, GEN. ANDREW.

Report of Mr. Brown of Marion relative to fine imposed upon, by Judge Hall, in 1815, - - - - -	318
Joint resolution of House, concerning, - - -	29, 39, 322
Joint resolution of Senate, concerning, 56, 56, 322, 378, 379, 380, } 417, 783. }	
Joint resolutions of Legislature of Illinois, concerning, - -	615
Report of select committee upon resolutions of State of Illinois, -	677

JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
2	A joint resolution refunding the fine imposed upon Gen. Andrew Jackson, in 1815, - - -	29	39, 322 [39, 50, 86				
3	A joint resolution relative to bankrupt laws, -	29	87-8, 199, 200-1-2-3	89			
5	A joint resolution in relation to canal lands, -	39	44, 57, 247				
48	A joint resolution for construction of harbor at Michigan City, - - - - -	85	118	128	416		472
51	A joint resolution in relation to postage on newspapers, &c. - - - - -	100	119, 122	122	233	234, 247, 262, 302	338
65	A joint resolution for completion of Wabash and Ohio Canal, - - - - -	125	142, 138, 243	243	293	393, 434	472
79	A joint resolution relative to Rapids of Wabash River, - - - - -	140	152, 169, 188, 245	245	591	620	621
104	A joint resolution relative to Mississippi and Ohio rivers, - - - - -	162	180, 207	207	416	416, 526	570
115	A joint resolution in relation to a portion of our late Tariff law, - - - - -	168	181, 245, 260, 261	262			
137	A joint resolution authorizing Agent of State to employ assistants, - - - - -	218	243, 409				
138	A joint resolution concerning the Revised Code, -	218	243				

139	A joint resolution to provide for paying contractors,	218	218, 222, 347	354	523	523, 575	570
164	A joint resolution for the relief of Jos. H. Hendricks,	256	352, 353, 354	406	606	607	655
184	A joint resolution for the benefit of Wabash College,	287	386, 406				
191	A joint resolution authorizing Treasurer to con- tract for a loan, - - - - -	298	438				
208	A joint resolution relative to delinquent lands, &c.	360	360, 360	360	663	664, 717	749
219	A joint resolution in relation to valuation of mills, &c. - - - - -	371	371, 411, 440	440	718	762	790
220	A joint resolution for relief of the people of Indiana,	371	371, 372				
221	A joint resolution for the relief of Andrew Wilson, of Orange county, - - - - -	372	372, 372	372	719	762	789
222	A joint resolution relative to amending constitution of United States, - - - - -	372	372, 373				
287	A joint resolution relative to re-valuation of pro- perty, - - - - -	462	462				
295	A joint resolution establishing marine hospitals, &c.	474	485, 497	498	788		812
297	A joint resolution relative to duty on foreign salt,	479	479, 486	486			
306	A joint resolution in relation to Mississippi trade,	487	487, 498	498	667	717	749
322	A joint resolution relative to State Bank, - - -	517	518				
344	A joint resolution in relation to State Bank,	541					
345	A joint resolution suspending Treasury Note act,	541	542				
360	A joint resolution for the benefit of the Represen- tatives, - - - - -	572	572, 573				
363	A joint resolution relative to removing the capitol in U. States, - - - - -	576	595				
371	A joint resolution relative to sale of non-resident lands in 1842, - - - - -	580	580, 580	580			
375	A joint resolution relative to J. J. Cohen, jr. & Brothers, - - - - -	586	586, 586	587	634	634, 648	655

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—*Continued.*

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed House.	Passed Senate.	Other proceedings.	Approved.
394	A joint resolution to abolish office of State Librarian, - - - - -	605	605, 625				
421	A joint resolution in relation to claim of Al. Beard, - - - - -	629	(rejected) 674				
438	A joint resolution supplemental to joint resolution concerning contractors, &c. - - - - -	664	665, 665	665	699	699, 716	749
440	A joint resolution for the benefit of Jas. McLean, - - - - -	666	666, 666	666	720	773	790
441	A joint resolution in relation to effect of joint resolution, - - - - -	671	671, 671	671	675		686
460	A joint resolution relative to towing-path bridge across Wabash river, - - - - -	675	675, 690, 777	777	803	801	
462	A joint resolution relative to reduction of letter postage, - - - - -	675	675, 675	675	720	771	810
464	A joint resolution relative to pre-emptioners, - - - - -	676	676, 725	725	782		812
469	A joint resolution concerning New Albany and Vincennes road, - - - - -	688	688, 689, 758	758		762, 763	
472	A joint resolution to suspend certain act in La-porte county, - - - - -	697	697, 697	697	746		811
473	A joint resolution suspending a certain law in Rush county, - - - - -	701	701, 701	701			

475	A joint resolution to provide for the distribution of the laws and journals,	704	704, 704	704	
485	A joint resolution reviving an act therein named,	723	723, 745		
500	A joint resolution relative to distribution of public documents,	753	753, 753	753	787
501	A joint resolution against assumption of State debts,	753	753, 795		
502	A joint resolution relative to distribution of proceeds of public lands,	753	(rejected.)		
503	A joint resolution relative to folding revised laws,	754	778		
509	A joint resolution declaring certain part of Revised Code to be in force,	756	756, 756	756	787
511	A joint resolution in relation to the State Prison,	775	775, 775	775	803
512	A joint resolution ascertaining the strength of the militia in Indiana,	776	776, 776	777	806
514	A joint resolution relative to Military Academy at West Point,	802	802		

812

812
812

813

JOINT RESOLUTIONS AND MEMORIALS WHICH ORIGINATED IN THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed House.	Other proceedings.
1	A joint resolution relative to fine imposed upon Gen. Jackson, - - - - -	56	322, 378, 379, 380	380	417, 783
22	A joint resolution relative to pensions, &c. - - -	128	129	129	
29	A joint memorial praying for donation of lands, - - -	145	166	213	
30	A joint resolution respecting U. S. pensioners, - - -	145	166	213	
39	A joint resolution to improve navigation of Washash river, - - - - -	162	207		
75	A joint resolution on the subject of a lunatic asylum, - - - - -	649	778		
76	A joint resolution relating to contractors on Madison and Indianapolis Railroad, - - - - -	441	442, 443, 464, 465	465	520, 539
121	A joint resolution relative to Oregon Territory, - - -	417	474, 486	486	
123	A joint resolution relative to navigation of Mississippi river, - - - - -	662	663		
143	A joint resolution for relief of Joshua Holland, - - -	552	553, 554	554	
156	A joint resolution relative to water rotted hemp, - - -	592	608, 627	627	
171	A jt. resolution favoring assumption of State debts, - - -	652	653, 654 (lost)		
174	A joint resolution authorizing publication of part of revision, - - - - -	662	663, 664	664	

187	A joint resolution relative to American State pa-	788	788, 788	788
210	pers, - - - - -	803	804 (lost)	
215	A joint resolution on the subject of repudiation,			
	A joint resolution for relief of the estate of E. L.	781	781	781
216	Dunbar, deceased, - - - - -			
110	A joint resolution relative to books, &c. of system	780		
	of internal improvement, - - - - -			

JONES, W. T. T.

Resignation as State Director of the Bank, - - - - 90

KIERSTED, ISAAC H.

Appointed Private Secretary to Governor, - - - 31

M

Marsh, Madison, contests the seat of Enos Beall, 14, 15, 60, 68, 72 }
 Comes forward and is sworn into office, - - - 75 }
 73, 74, 75 }

MEMBERS.

Appear, produce credentials, &c. - - - - 3, 72, 447

MESSAGE.

Annual, of the Governor, communicated, - - - - 17

MITCHELL, W. B. (of Senate.)

Communication from, and F. Hardin, - - - - 308

MOONEY, SAMUEL P.

Member from Jackson county, vice E. L. Dunbar, deceased,
 appears, &c. - - - - 447

O

Opening of session with prayer, - - - - 14

ORDER OF BUSINESS.

Announced, - - - - 12

P

PALMER, N. B. (Bank examiner)

Makes his report,	-	-	-	-	-	-	-	133
Communications from,	-	-	-	-	-	-	-	676, 714
Mr. Simonson moves to publish list of discounts accompanying report,	-	-	-	-	-	-	-	154

PEASLEE, W. J.

Elected Judge of 5th circuit,	-	-	-	-	-	-	-	101
-------------------------------	---	---	---	---	---	---	---	-----

PEPPER, ABEL C.

Elected Bank Director,	-	-	-	-	-	-	-	445
------------------------	---	---	---	---	---	---	---	-----

PETITIONS, MEMORIALS, &c.

Presented by Mr. Baker,	
Bales, 182, 235, 408	
Bowers, 339, 387, 408, 408	
Bradley, 295, 295, 466, 466	
Brown of Dearborn, 182, 216, 255	
Brown of Marion, 31, 31, 71, 72, 92, 111, 235, }	
284, 295, 394, 395, 466, 466, 523 }	
Brown of Rush, 71, 448, 679	
Brown of White, 271, 317	
Butler of Randolph, 408	
Butler of Vanderburgh, 131, 246, 356	
Butterfield, 598	
Campbell, 316, 432, 540	
Carter, 71, 92, 110, 110, 146, 155, 296, 317, 318, }	
355, 395, 408, 408, 556 }	
Chrisman, 41, 316, 339, 577	
Claypool, 222, 295, 582, 718	
Clements, 41, 110, 110	
Coffin, 154, 465, 465	
Cooley, 42, 131, 155	
Cuppy, 42, 235, 271, 323, 408, 616	
Davis of Madison,	
Davis of Sullivan, 14, 47, 111, 131, 295, 466, 554	
Denny,	
Dufour, 111, 339	
Dunn, 216, 577	
Edwards, 453, 662	

Presented by Mr. English, 41

Edmonston, 109, 110, 254, 662

Flannegan, 31, 42

Foulke, 222, 246, 262, 316, 369, 408, 634, 759

Francis, 31, 41

Fuller, 92, 110

Gilbert, 71, 146, 263, 408, 760

Goodenow, 295, 395, 433

Gorman, 31, 110, 131, 146, 192, 408, 433

Hardin, 465, 665

Hargrove, 110, 339

Hawkins, 41, 42, 42, 92, 131, 154, 154, 192, 235, }
303, 355, 560, 749. }

Hiatt, 317

Hillis, 47, 395, 488

Hodges, 31, 41, 77, 110, 303, 488, 598

Huckaby, 192, 192, 316, 317

Jackson, 31, 246, 255, 395, 496

Johnson, 182, 192, 235, 295, 387

Jones, 47, 262, 295

Lee, 48

Leslie,

Lewis,

Leyman, 323

Lingle, 41, 92, 317, 408, 559

Logan, 42, 272, 317, 356

Lowe, 110, 315, 394, 535, 679

Major, 42, 263, 317, 324, 369, 369, 448

Marsh, 263, 394

Marvin, 284

Matheny, 316, 324, 339, 395, 395, 582

Mathers,

McCormick, 465

Meeker, 323

Millikin, 41, 131, 203, 316, 339, 355, 387, 432, 448

Mitchell, 42, 71, 192, 235, 235, 324

Montague,

Moore of Floyd, 31, 271, 295, 316

Moore of Owen, 271, 324

Myers, 271, 272, 284, 369, 388

Nees, 192, 316, 323, 324, 369, 395, 408, 433, }
433, 433, 433, 496, 496, 523, 523, 662, 760 }

Nelson,

Norvell, 192, 222, 598, 802

O'Neal, 41, 316

Osborn, 71

Parker, 47

Patrick,

Peak, 216, 388, 407, 408

Presented by Mr. Prilliman,	111, 182, 246, 324, 339, 433, 433, 466, 577
Proctor,	407
Real,	496
Rich,	284, 395, 407
Roberts,	323, 395
Robinson,	91, 92, 92, 109, 110, 254, 271, 272, } 317, 317, 317, 323 }
Rose,	324, 554
Shelby,	598
Shoup,	42, 92, 131, 155, 222, 271, 296, 296, 323, 395
Simonson,	222, 271, 355, 388, 496, 523
Sluss,	71, 222, 263
Snook,	235, 254
Steele,	316, 324, 615, 715
Stewart,	
Strain,	369
Stratton,	47
Summers,	71, 408, 765
Sumner,	
Swihart,	31, 47, 146, 146, 222, 271, 271, 316, } 323, 355, 387, 407, 433, 495, 582. }
Tevis,	110.
Thompson,	42, 47, 154, 192, 263, 323, 432
Tingley,	111, 222, 316
Wheeler,	222, 407, 448
Whight,	41, 111, 317
Williams,	222, 254, 616
Wilson,	

PRAYER.

Session opened with, by Mr. Berry,	-	-	-	-	-	14
President Judge elected, 5th circuit,	-	-	-	-	-	101

PROSECUTING ATTORNEYS.

Election of,	-	-	-	-	-	-	102, 107, 108, 109
Elected by the people, (see bill of House, No. 256,)	-	-	-	-	-	-	401

PROTESTS.

Of George P. R. Wilson and others, against admitting Mr. Marsh as a member of House,	-	-	-	-	-	-	106
Of William J. Brown and others, against the passage of bill of the House No. 476,	-	-	-	-	-	-	

Of John H. Bradley and others, against the adoption of certain resolutions acquitting W. J. Brown of charge of public defalcation, - - - - -	791
--	-----

R

REEVE, BENJAMIN F. (of Senate.)

Communications from, - - - - -	291, 307
--------------------------------	----------

REPORTS, &c.

Of committees, (see under head of respective committees.)	
Of State officers, &c. (see documentary journal.)	
Of certain Branches of State Bank, - - -	14
Of superintendent of State Prison, - - -	58
Of Visiter of State Prison, - - -	112
Of Agent of State, - - - - -	121, 171
Of Bank Examiner, - - - - -	133
Of Com'r on W. E. Canal West of Tippecanoe river, -	271
Of chairman committee of ways and means, (annual) -	499
Of chairman of committee on State Bank, (annual) -	543
Of State Librarian, - - - - -	634
Of C. W. Cady, Sec'y of Ind. Fire Insurance Company, -	782

REPORTS OF STANDING COMMITTEES.

A

AGRICULTURE.

Against the prayer of certain petitioners of Cass county, -	173
Against exempting certain property used in rearing silk, &c. -	540
Against extending provisions of certain act to Jefferson county, -	582

C

CANALS AND INTERNAL IMPROVEMENTS.

Against making scrip receivable for interest on W. & E. Canal lands, - - - - -	146
In relation to rents for leases of water power, collection of, -	187
Against the petition of J. Sankey, of Vigo county, praying relief, - - - - -	188
Effectually to secure the public works from damage, - - -	188
Against re-appraising canal lands in Fulton, &c. counties, -	248

Against the prayer of sundry citizens near Brookville, relative to White Water Canal, - - - - -	275
Against the petition of J. & E. L. Beard, (contractors) for relief,	359

CLAIMS.

Upon the petition of Wm. McCullough, of Switzerland county,	187
Reporting back certain "State House vouchers," - - - - -	578
Against the petition of H. Comingore, - - - - -	587
Against the petition of Henry Rider, - - - - -	635

CORPORATIONS.

Relative to New Albany Patent Bagging Manufacturing Co. -	122
Relative to Liverpool Bridge Company, (Mr. Brown of Rush)	228
On communication of Jesse Hunt <i>et. al.</i> (Mr. Bowers) -	228
Of Mr. Brown of Rush on bill of House No. 300, (majority) -	599
Of Mr. Bowers on same bill, (minority) - - - - -	600
Of Mr. Hargrove upon the remonstrance of citizens of Daviess county, - - - - -	640

E

EDUCATION.

Against amending a portion of the school law, - - - - -	160
Upon the memorial of the Trustees of Wabash College, (maj.)	286
Upon the memorial of the Trustees of Wabash College, (min.)	287
Against the petition of sundry citizens of Franklin county, -	583
Reporting back communication of John M. King, - - - - -	584
Against certain petitioners of Laporte county, - - - - -	585
Upon sundry petitions, - - - - -	723
Relative to a portion of the revision, - - - - -	738
Concerning appropriation of funds arising from sale of W. & E. Canal lands to purposes of education, - - - - -	784

ELECTIONS.

Of Mr. Robinson (chairman) concerning the contested seat of Enos Beall, - - - - -	60
Of Mr. Edwards, concerning the contested seat of Enos Beall,	60
Of Mr. Rose, amendatory of law regulating general elections,	171
Of Mr. Strain, concerning the floating member between Mon- roe and Brown counties, - - - - -	172
Of Mr. Robinson, (chairman) on certificates of election of mem- bers of House of Representatives, - - - - -	224
Of Mr. Robinson, (ch'man) on certificate of Sam'l P. Mooney,	601

F

FEDERAL RELATIONS.

Against the repeal of so much of the Tariff law as imposes a duty on salt, and other absolute necessities of life, - -	161
Upon resolutions proposing to abolish in U. S. imprisonment for debt, &c. - - - - -	473
Establishing marine hospitals for benefit of sick boatmen, -	474
Upon resolutions of House concerning Mississippi trade, -	486

INDIANAPOLIS, TOWN OF, CONCERNING THE AFFAIRS.

Against the propriety of selling the Governor's Circle, -	274
---	-----

J

JUDICIARY.

Against abolishing capital punishment, - - - -	95, 358
Against giving further stay of execution when specie is demanded, -	95
Concerning costs in case of confession of judgment, - -	95
Upon the memorial of Randolph Ross, - - - -	96
Upon the memorial of Nicholas Yount, - - - -	96
Relative to the execution law, - - - -	96
On the petition of Henry B. Hill, <i>et. al.</i> - - - -	146
On the petition of Dr. Daniel M. Spencer, of Warrick county, -	148
On the petition of sundry citizens of Henry county, - -	155
Against amending a certain part of the execution law, - -	160
Against amending the law relative to coroners, - - -	172
Concerning judgments to be entered in vacation, &c. &c. -	172
On a resolution concerning complete records, - - -	182
Against amending the law abolishing imprisonment for debt, -	183
Concerning stationary for county officers, - - - -	183
Relative to the bonds of county treasurers, - - - -	183
Relative to reducing the salaries of State and county officers, -	184
Concerning defaulting public officers, - - - -	184
Against making prosecuting witness liable for costs when conviction fails, - - - -	186
Concerning exempting \$100 worth of property from taxation, -	193
Upon petition asking explanation relative to marriage law, -	236
On a resolution embracing the duties of county auditor, -	263
Impracticable to permanently fix the time of holding courts in different circuits, - - - -	272
Concerning the selling of barrel salt at lick weight, - -	272
Relative to the meaning of the word "fines" in the constitution, -	273

Inexpedient to abolish capital punishment, - - - -	273
Concerning election of officers by <i>viva voce</i> vote of the Legislature, - - - -	274
Against prohibiting the business of brokerage by penal enactments, - - - -	284
Concerning restricting justices to their respective townships, -	285
Relative to making amendments to execution law, - -	285
Of Mr. Brown of Marion relative to refunding the fine imposed upon Gen. Jackson, &c. - - - -	318
Relative to amending the naturalization laws, - - -	369
Respecting writs of execution, collection of debts, &c. - -	448
Concerning legitimate children, - - - -	449
Relative to State prison convicts and injured parties, - -	472
Respecting the selection of jurors, - - - -	474
Concerning the kingdom of the Pharaohs, Yankee clock-pedlars, &c. &c. - - - -	578
Respecting the sale of certain delinquent lands, &c. - -	578
Relative to amendments to execution laws, - - -	581
Upon the subject of stays, steps, executions, set-offs, &c. -	584
Upon the petition of B. Philips, <i>et. al.</i> of Jennings county, -	619
Of Mr. Brown of Marion on bill of House No. 74, (fees and salaries—majority,) - - - -	669
Of Mr. Rich on bill of House No. 74, (fees and salaries—min.)	669
Against granting the prayer of Philip Leary, - - -	7 6

M

MILITARY AFFAIRS.

On communication of Rev. Noah Packard, - - - -	77
On communication of Quarter Master General, - - -	775

P

PUBLIC EXPENDITURES.

Relative to pay of members absenting themselves, - -	277
Salaries of Auditor, Secretary, and Treasurer, - - -	616

R

ROADS.

Against giving supervisors the power of collecting taxes, &c. -	161
Against the prayer of certain petitioners of St. Joseph county, -	173
Against the petition of citizens of Aurora, Dearborn county, -	226

Against the petition praying for change in road from Laurel to Brookville, - - - - -	227
Against road tax being collected by supervisors, - - - - -	264
Against giving com'rs power to decrease the width of roads, -	585
Against the petitions of sundry citizens in various counties, -	635
Respecting general road law, - - - - -	659

S

STATE BANK.

Against amending the charter of State Bank, - - -	277, 278
Upon the memorial of John Vawter, - - - - -	325
Annual report of, - - - - -	543

STATE LIBRARY.

On the petition of John B. Dillon, - - - - -	217
Report from, acquitting W. J. Brown from charge of defalcation,	303
From B. F. Reeve (a Senator) on same subject, - - -	306

STATE PRISON.

Concerning the printing of reports of visiter and superintendent,	134
Amending the law regulating State Prison, - - - - -	187
Against removing the new State's Prison to Wabash county, -	205
Upon the relative portion of Governor's message, - - -	657
Concerning appointing visitors, - - - - -	761

W

WAYS AND MEANS.

Relative to exempting certain improvements from taxation, -	93
Amending the law pointing out the mode of levying taxes, -	93
On the petition of sundry citizens of Clinton county, - - -	93
Concerning the election of assessors and collectors, - - -	93
Relative to the printing of laws in the German language, -	94
Abolishing the office of county auditor, (inexpedient) - - -	94
Extending the time of returning the delinquent list, - - -	94
Against giving constables the power to collect taxes, &c. -	132
Upon the petition of Hugh M. Patton and others, of Gibson county, - - - - -	132
On the petition of R. B. Duncan and others, of Marion county,	133
In relation to reporting bill concerning duties of co. assessors,	133
Against the election of township assessors, - - - - -	134

Against redeeming State scrip of certain denomination, &c. &c.	155
Against abolishing office of agent of surplus revenue, &c. &c.	155
Against reducing interest on sinking fund, &c.	204
Against the petition of Wm. Marshall and G. Ewing, of Perry county,	223
Upon a resolution providing for registering W. & Erie Canal scrip, &c.	235
Against depositing money to purchase Revised Code,	284
Upon the petitions of Jesse Rader, John Inks, <i>et. al.</i>	326
Against the petition of Cooper & Buchanan for relief,	346
Against the petition of J. Vigus <i>et. al.</i> , of Cass county,	346
Upon petition of sundry purchasers of saline lands,	357
Upon petition of citizens of Parke county, praying for reduction of salaries,	358
Upon communication of M. Morris, Auditor of State,	410
Against the communication of Treasurer relative to Draper, Tappan & Co.	412
Upon petition of sundry citizens of Rush county concerning reduction, &c.	487
Against the petition of George W. Lane, administrator, &c.	489
Annual report by Mr. Davis of Sullivan, (chairman)	499
Of minority, proposing to raise tax to 25 cents on \$100 valuation,	516
Against changing the mode of assessing and collecting the revenue,	526
Changing the reference of memorial relative to repudiation,	527
Against amending the revenue laws,	750
Reporting examination and destruction of State bonds,	782
Upon memorial of holders of Indiana State bonds,	799

SELECT COMMITTEES.

Appointed to wait on Rev. Mr. Berry,	13
Appointed to wait on Governor,	14
Concerning the memorial of B. H. Scott, Esq.	54
On the petition of citizens of Elkhart county,	75
On the petition of citizens of Adams county,	76
On the petition of citizens of Jay county,	76
On the petition of Catharine Catlin, of Sullivan county,	76
On the petition of James M. Lemon, of Washington county,	78
On the memorial of B. H. Scott, Esq.	96
On the petition of Jacob Wagner,	97
On the petition of securities of Elisha Long, deceased,	112
On the petition of John Morgan, of Shelby county,	122
On the petition of sundry citizens of Vigo county,	124
On the petition of A. W. Inman, and others,	135
On the petition of sundry citizens of Pike county,	135
On a joint resolution relative to navigation of Western rivers,	162

Against granting Peter Gillam a divorce, - - - -	195
Concerning the applying certain funds to purposes of education, -	206
On the petition of the commissioners of Vanderburgh county, -	208
Concerning a certain State road in Marion co. (Mr. Johnson) -	217, 265
Against the petition of sundry citizens of Delaware county, -	258
Relative to judgments obtained upon running accounts, -	258
Upon the petition of W. F. Burnett, <i>et. al.</i> of Miami county, -	297
Upon sundry petitions from citizens of Floyd county, -	370
Upon the petition of Fred. C. Story, asking a divorce, - -	412
Upon petition of sundry citizens relative to printing laws in German, - - - - -	456
Upon the resolution making the jurisdiction of justices of the peace uniform throughout the State, - - - - -	475
Relative to amending charter of Lawrenceburgh and Napoleon Turnpike Company, - - - - -	475
Against changing the probate system of this State, - -	475
Against amending the practice act, decedent estates, malicious trespass, &c. - - - - -	476
Against petition of Peter Dunkel, <i>et. al.</i> of Cass county, &c. -	487
Upon the subject of White river bridge, in Marion county, -	531
Against repealing charter of town of Indianapolis, - -	535
Upon erecting part of Charlestown into an independent municipality, - - - - -	537
Upon the communication of the Governor relative to J. J. Cohen, jr. & Brothers, - - - - -	585
Relative to appointment of an inspector of beef, pork, flour, &c. -	587
Concerning defaulting public officers, (by Mr. Claypool) -	589
Upon communication of James McLean, a deaf, &c. teacher, -	666
Upon petition of J. Hughes, <i>et. al.</i> citizens of Johnson county, -	666
Relative to fine imposed upon Gen. Jackson, (Mr. Logan) -	677
Concerning the agent on New Albany and Vincennes road, -	687
Upon petition of sundry citizens of Jay county, - - -	693
Upon changing the time of holding courts in 4th circuit, -	727
Against changing the school laws, &c. - - - - -	729
Against the petition of James Crabb, <i>et. al.</i> - - - - -	790
Acquitting Mr. Fisher of charge of improper conduct, - -	796
Of committee concerning the New Albany and Vincennes road, -	797

RESIGNATIONS.

Of George P. Buell, a State Bank Director, - - - -	
Of W. T. T. Jones, a State Bank Director, - - - -	

RESOLUTIONS.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Informing the Senate of the organization of the House,		-	Mr. Leslie,	9	
Requesting Rev. Mr. Berry to open session with prayer,		-	Thompson,	9	
For a committee to wait on the Governor,		-	Brown of D.	9	
Appointing select committee to district the State,		-	Davis of S.	13	
Inviting Senate to be present at prayer,		-	Thompson,	14	
Directing Principal Clerk to furnish rules,		-	Logan,	14	
Admitting editors to seats in the Hall,		-	Moore of O.	14	
Authorizing committee on elections to send for persons and papers in contest of Beall and Marsh,		-	Butler of V.	15	
Inviting Senate to hear Governor's message,		-	Brown of R.	16	
Subscription for newspapers,		-	Simonson,	29	
On proceeding to election of Prosecuting Attorneys and Judges,		-	Norvell,	29	Laid on table.
On printing Governor's message,		-	Millikin,	29	
On ascertaining lowest price of Journal and Sentinel per copy,		-	Shoup,	29	
On printing the list of standing committees and order of business,		-	Moore of O.	29	
Adopting rules of last H. of R. for government of this,		-	Davis of S.	29	
Authorizing door keeper to employ two assistants, and wood chopper,		-	Shoup,	30	
Concerning the election of Judges and Prosecuting Attorneys,		-	Wilson,	91	Laid on table.
Relative to confining voters to their respective townships,		-	Millikin,	32	

Inquiring into the propriety of exempting certain lands from taxation,	32	Thompson,	32	
Providing for the reduction of salaries of public officers,	32	Rich,	32	
Concerning executions, stay laws, &c.	32	Millikin,		Laid on table.
Reducing the penalty on delinquent tax payers,	33	Davis of Sul.	33	
On propriety of amending revenue law as therein named,	33	Clements,	33	
Relative to amending the execution law,	33	Gorman,	33	Laid on table.
Inquiring into the expediency of amending the law concerning treasurers,				
Receiving State scrip for county dues,	33	Simonson,	33	
Providing for an economical administration of the Government,	33	Lingle,	33	
Amending the law authorizing the summoning of petit jurors,	33	Clements,	34	
Amending the revenue law concerning county auditors,	34	Shoup,	34	
Consolidating the laws respecting justices and constables into one,	34	Matheny,	35	
Referring certain portions of Governor's message to appropriate committees,	35	Jackson,	42	
Directing sergeant-at-arms to contract for papers,	37	Com. of the whole.	37	
Amendatory to an act pointing out the mode of levying taxes,	39	Bradley,		40 Lost.
Relative to printing 2,000 copies of the laws in German,	42	Logan,	43	
Amendatory of the law concerning evidence,	43	Cooley,	43	
Providing that townships shall elect their own assessors,	43	Parker,	43	
Concerning summoning and empannelling jurors,	43	Butler of V.	43	
In relation to repealing the 4th section of a certain road law,	43	Roberts,	43	
Inquiring into the propriety of repealing a certain act named therein,	43	Shoup,	43	
Calling on the Governor for information concerning our foreign bond holders,	43	Chrisman,	43	
Providing for making Treasury Notes receivable for all State dues,	43	Hargrove,	43	
Repealing the law allowing county treasurers mileage,	44	Williams,	43	
Directing the Speaker to assign a room for com. of ways and means,	44	Moore of O.	44	
Concerning the Jeffersonville and Crawfordville Turnpike road,	44	Davis of S.	44	
	44	Simonson,	44	

RESOLUTIONS—Continued.

SUBJECT MATTER OF.

	Introduced.	Mover's name.	Adopted.	Other proceedings.
Calling on Treasurer of State for information, - - -	45	Mr. Brown of M.	45	
Inquiring into the propriety of abolishing marriage licenses, - -	51	Robinson,	51	
Repealing law giving further stay of execution when specie is de-				
manded, - - - - -	52	Millikin,	52	
Providing that real estate shall bring its full value on execution, -	52	Whight,	52	
Exempting one hundred dollars worth from taxation of property, -	53	Norvell,	53	
In relation to expenses accrued upon sale of school land, - - -	53	Davis of Sul.	53	
Directing the committee on corporations to report an amendment to				
certain law, - - - - -	53	Moore of F.	53	
Amending 3d section of act abolishing imprisonment for debt, - -	53	McCormick,	53	
Exempting the defendant from payment of certain costs in case of				
confession, - - - - -	53	Rose,	53	
Concerning so much of the Tariff as imposes a duty on salt, &c. -	53	Shoup,	53	
Relative to abolishing the office of school commissioner, - - -	53	Clements,	53	
Rescinding the vote to summon D. R. Bearss as witness, - - -	54	Swihart,	54	
Concerning the act applying certain funds to education, - - -	54	Butler of V.	54	
Repealing the law allowing attorneys' docket fees, - - -	54	Cooley,	54	
Providing for the appointing of road supervisors in March, - - -	54	Simonson,	54	
Against the discussion of questions of a National character, - - -	54	Roberts,	55	

Prohibiting members from approaching the clerk's desk during the call of the roll,	-	-	-	-	56	Mr. Edwards,	56		
Declaring Enos Beall not entitled to his seat,	-	-	-	-	68	Com. on elections.	74		
Declaring Madison Marsh entitled to Enos Beall's seat,	-	-	-	-	68	do	75		
Inviting Hon. Wm. Hendricks and J. H. Thompson to take seats within the bar,	-	-	-	-	70	Mr. Simonson,	70		
Calling on the President of the Bank for certain information,	-	-	-	-	70	Davis of S.	71		
Requesting Messrs. Beall and Marsh to resign all claims to seat in House,	-	-	-	-	73	Foulke,	78	Not adopted.	74
Prohibiting the business of brokerage by penal enactment,	-	-	-	-	78	Tevis,	78		
Amendatory to the charter of State Bank,	-	-	-	-	78	Tevis,	79	Ref. com. St. Bk.	
Making the stockholders of Bank liable individually,	-	-	-	-	78	Tevis,	79		
Concerning priority of lien,	-	-	-	-	79	Hillis,	79		
Organizing probate [and] circuit courts throughout the State,	-	-	-	-	79	English,	79		
Amending the revenue laws,	-	-	-	-	79	Myers,	79		
Postponing the sale of lands for unpaid taxes,	-	-	-	-	79	Myers,	79		
Calling on Auditor of State for certain information,	-	-	-	-	79	Stratton,	79		
Proposing to go into election of various judicial officers,	-	-	-	-	79	Matheny,	80		
Printing the reports of committee on elections in case of contested seat,	-	-	-	-	80	Shoup,	80		
Amendatory to the road law,	-	-	-	-	80	Millikin,	80		
Making prosecuting witnesses liable for costs in certain cases,	-	-	-	-	80	Bowers,	80		
Amending the charter of State Bank,	-	-	-	-	80	Johnson,	80		
Reducing interest on sinking fund and surplus revenue,	-	-	-	-	80	Moore of O.	80		
Making it a criminal offence for public officers to refuse to account,	-	-	-	-	80	Claypool,	80		
Repealing certain portion of act abolishing imprisonment for debt,	-	-	-	-	81	Williams,	81	Indef. postpon'd	
Repealing the law for election of county assessors, &c.	-	-	-	-	81	Clements,	81		
Regulating the weight of barrel salt,	-	-	-	-	81	Steele,	81		

RESOLUTIONS—Continued.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Making Bank and State scrip receivable for interest on Wabash and Erie Canal lands, - - - - -	-	81	Mr. Meeker,	82	
Repealing certain portions of law regulating elections, - - - - -	-	82	Jackson,	82	
Amendatory of the trespass act, - - - - -	-	82	Cooley,	82	
Reducing tolls on Wabash and Erie Canal, - - - - -	-	82	Leyman,	82	
Allowing one execution only to issue in one year, except, &c. - - -	-	82	Summers,	83	
Inquiring what amendments are necessary to 14th chapter of school laws, - - - - -	-	83	Logan,	83	
Requiring State bonds when redeemed to be filed with Treasurer, -	-	83	Denny,	83	
Imposing duty upon appraisers, - - - - -	-	83	Jones,	83	
Concerning the districting of Monroe and Brown counties, - - -	-	83	Gorman,	83	
Calling on the Auditor of State for certain information, - - - -	-	83	Carter,	83	
For the payment of John Shults, - - - - -	-	83	Carter,	84	
Amending the present execution law, - - - - -	-	84	Rose,	84	
Repealing a certain portion of the execution law, - - - - -	-	84	Moore of O.	84	
Proposing to adjourn <i>sine die</i> first Monday of February, 1843, - -	-	84	Lingle,		Laid on table.
Repealing the law allowing sheriffs per centage on real property, -	-	84	Carter,	84	
Appointing a committee of revision on part of House, - - - -	-	90	Gorman,	90	91, 109
Concerning the performance of military duty, - - - - -	-	97	Logan,	97	

Appointing select committee relative to navigation of Western rivers,	97	Edwards,	97
Proposing to amend the act in relation to crimes and punishments,	98	Norvell,	98
Compelling treasurers to pay over same moneys received,	98	Hawkins,	98
Making State scrip receivable for all fines assessed,	98	Brown of R.	98
Concerning the bonds of Lawrenceburgh and Indianapolis Railroad,	98	Millikin,	98
Officers to make out fee bill before being entitled to fees,	98	Moore of O.	98
Concerning the school laws of this State,	98	Hardin,	98
In relation to appraisement of property,	98	Davis of S.	99
Reducing tolls on N. Albany and Vincennes Turnpike Road, &c.	99	Clements,	99
Requiring judiciary committee to report bill explanatory, &c.	99	Jackson,	99
Concerning the White river bridge in Marion county,	99	Rose,	99
Expediency of repealing county board of equalization,	99	Moore of O.	99
Limiting the county commissioners in the assessment of taxes,	99	Bradley,	100
Repealing certain portion of the road law,	100	O'Neill,	100
Inviting Senate to proceed to election of certain judicial officers,	101	Lowe,	101
Calling on Sec. of State to furnish returns of census of this State in 1840,	113	Edwards,	113
Amending the act prescribing the duties of county treasurers,	113	Millikin,	113
Authorizing clerks to enter judgments in vacation, &c.	114	Shoup,	114
Amending the road law,	114	O'Neill,	114
Amending the school law,	114	Simonson,	114
Explanatory of law providing for appraisement of property,	114	Rose,	114
Amendatory of law regulating practice in criminal cases,	114	Lee,	114
Instructing com. on education to make an inquiry concerning school law,	114	Montague,	114
Calling on the Auditor for information concerning State prison,	114	Simonson,	115
Repealing the revenue law of 1840-1,	115	Gorman,	115
Changing the time of holding elections for school trustees,	115	Mitchell,	115
Amount paid for house rent by Auditor and Secretary,	115	Norvell,	115
		Lost.	114

RESOLUTIONS—Continued.

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Amending the execution law,	- - -	115	Mr. Tevis,	115	
Giving use of Hall to the State Horticultural Society,	- - -	120	Brown of M.	120	
Providing to go into the election of U. S. Senator,	- - -	120	Davis of S.	121	
Proposing to adjourn <i>sine die</i> 18th day of February next,	- - -	122	Huckaby,	123	
Authorizing the revising committee to employ a clerk,	- - -	123	Bradley,	123	
Adopting a uniform law on the subject of grand and petit jurors,	- - -	124	Leslie,	124	
Concerning the duties of clerks of probate courts,	- - -	124	Thompson,	124	
Abolishing office of agent of surplus revenue, &c. &c.	- - -	124	Nees,	124	
Repealing the act declaring White Water a navigable stream,	- - -	124	Shoup,	124	
Collection of rents for water power on public works,	- - -	125	Claypool,	125	
Furnishing each county treasurer with an iron safe, &c.	- - -	125	Millikin,		Laid on table.
Actual millers to be exempt from working roads,	- - -	125	Moore of O.		Lost. 125
Amending the law in relation to coroners,	- - -	130	Simonson,	130	
Making an inquiry concerning the appraisement law,	- - -	130	Strain,	130	
Authorizing the printing of reports of visitor, &c. of State Prison,	- - -	134	Simonson,	135	
Proposing to adjourn <i>sine die</i> on 6th of February next,	- - -	135	Shoup,	137	
Proposing to amend the law governing the State prison,	- - -	137	Millikin,	138	
Concerning the leasing of water power on W. & E. Canal,	- - -	138	Carter,	138	
For adopting a more efficient military system in this State,	- - -	138	Steele,	138	

Amendatory of the practice act,	-	-	-	-	-	138	Thompson,	138	
Amending the school law, &c.	-	-	-	-	-	138	Edwards,	138	Lost. 138
Concerning the appointment of appraisers,	-	-	-	-	-	138	Denny,	139	
Repealing the law making up complete records,	-	-	-	-	-	139	Huckaby,	139	
Requiring road taxes to be collected by supervisors,	-	-	-	-	-	139	Bowers,	139	
Amending the law requiring clerks, &c. to pay over all fees in their hands,	-	-	-	-	-	139	Davis of S.	139	
Giving recorders a lien upon real estate for fees, &c.	-	-	-	-	-	139	Davis of S.	139	Lost. 139
Imposing duty on county auditor, &c.	-	-	-	-	-	139	Coffin,	139	
For laying off Governor's Circle into lots and selling the same,	-	-	-	-	-	139	Bowers,	139	
Amending the law in relation to malicious trespass,	-	-	-	-	-	139	Edmonston,	139	
Concerning the reference of petitions in this House, &c.	-	-	-	-	-	139	Logan,	139	
Cost of public printing last winter,	-	-	-	-	-	140	Moore of O.	140	Laid on table. 140
Can a justice of the peace hold a seat in this House? &c.	-	-	-	-	-	140	Wilson,	140	
Calling on Tr. of State for information concerning a loan, &c.	-	-	-	-	-	140	Patrick,	140	
Directing com. on judiciary to hand over to committee on revision certain bills, &c.	-	-	-	-	-	144	Brown of M.	144	
Proposing that when House adjourns on Tuesday and Friday noon it will meet next morning,	-	-	-	-	-	149	Gorman,	149	
Propriety of appointing superintendent of common schools,	-	-	-	-	-	149	Foult,	149	
Concerning construction of canal round the falls of Ohio by convict labor,	-	-	-	-	-	149	Simonson,	149	
Concerning the cessation of stay or appraisement laws after 1st of April, 1843,	-	-	-	-	-	149	Cooley,	150	Lost. 150
Fixing the price for publishing delinquent list of lands, &c.	-	-	-	-	-	150	Stratton,	150	
More effectually to secure the public works from damage,	-	-	-	-	-	150	Edwards,	150	
Relative to stationary used by county clerks,	-	-	-	-	-	150	Steele,	150	
Propriety of changing the time of holding courts in 3d circuit,	-	-	-	-	-	150	Millikin,	150	
Repealing certain acts for the regulation of the militia,	-	-	-	-	-	150	Baker,	151	

RESOLUTIONS—Continued.

894

SUBJECT MATTER OF.		Introduced.	Mover's name.	Adopted.	Other proceedings.
Amending the school law,	- - - - -	151	Mr. Bales,	151	
Restricting the jurisdiction of J. P.'s to their respective townships,	- - - - -	151	Whight,	151	
Providing that lands mortgaged to school fund shall sell for two thirds its value,	- - - - -	163	Logan,	163	
Memorializing Congress to abolish imprisonment for debt,	- - - - -	163	Tevis,	164	
Amending the law relative to levying and collecting taxes,	- - - - -	164	Huckaby,	164	
Fixing a uniform fee for making out naturalization papers,	- - - - -	164	Shoup,	164	
Instructing the clerk of this House to call on State Printers, &c.	- - - - -	164	Brown of R.	164	
Providing for keeping two schools in same district in certain cases,	- - - - -	165	Denny,	165	
Inquiring into the meaning of the word 'fines' in 9th article of constitution,	- - - - -	165	Summers,	165	
Calling on Governor for copy of contract for building new prison,	- - - - -	165	Marsh,	165	
Relative to arranging the laws governing justices of the peace, &c.	- - - - -	165	Butler of Van.	165	
Instructing the committee on revision, &c.	- - - - -	165	Millikin,	165	
Amendatory to the 51st section of road law of Feb. 17, 1838,	- - - - -	165	Montague,	165	
Amending the school law,	- - - - -	174	Swihart,	174	
Authorizing another appraisement of canal lands in Marshall, &c. counties,	- - - - -	174	Wheeler,	174	
Requiring petitioners to Gen'l Assembly to make publication of intention to do so, &c.	- - - - -	174	Flannegan,		Lost. 174

Proposing to repeal the law making it penal to sell tea, &c. without license,	174	Leslie,	174
Repealing certain portion of act pointing out the mode of levying taxes,	174	Jones,	175
Relative to arranging the law authorizing township elections,	175	Hodges,	175
Proposing to elect all officers by the Legislature by <i>viva voce</i> vote,	175	English,	175
Instructing committee on revision to repeal the act allowing complete records,	175	Norvell,	175
Permanently fixing the time of holding courts in the different circuits,	175	Mitchell,	175
Amendatory to law regulating the duties and fees of co. auditors,	175	Norvell,	175
Proposing to make the State assessment 25 cents on \$100,	190	Wilson,	193, 259, 401
Requiring the Treasurer to report the amount of money paid to probate judges,	196	Robinson,	196
Proposing to amend the school law,	196	Millikin,	196
Providing for a more uniform mode of doing county business,	196	Nees,	196
Concerning the authentication of testimony taken out of the U. S.	196	Tingley,	196
Propriety of amending the execution laws,	196	Hargrove,	196
Governor to report the cost of building new State Prison,	197	Carter,	197
Propriety of erecting new prison in Wabash county,	197	Swihart,	197
Proposing to go into committee of the whole on revision at 2 o'clock,	197	Clements,	197
Abolishing all laws recognizing the doctrine of security, &c.	197	Rose,	Lost. 197
Election of prosecuting attorneys by the people, &c.	197	Bradley,	198
Concerning the Madison and Indianapolis Railroad,	198	Dufour,	198
Relative to changing the probate system,	208	Millikin,	208
Concerning the com'rs of White Water Canal Company, &c.	208	Cooley,	208
Reducing the assessors' pay to one dollar per day,	208	Moore of O.	208
Funding the proceeds of land East of Tippecanoe river, &c.	209	Simonson,	209
Providing for registering, &c. the W. & E. Canal land scrip already cancelled,	209	Dufour,	209

RESOLUTIONS—Continued.

SUBJECT MATTER OF.	Introduced.	Mover's name.	Adopted.	Other proceedings.
Modifying the 37th rule of the House, - - - - -	218	Mr. Edwards,	218	
Giving additional powers to com'rs of sinking fund, - - - - -	218	Marvin,	218	
Concerning municipal regulations of towns on the Mississippi river, - - - - -	250	Hargrove,	251	
Relative to the Bank scrip in the Treasury, - - - - -	251	Snook,	251	
Concerning absent members of the General Assembly, - - - - -	251	Dufour,	251	
Concerning the death of Hon. E. L. Dunbar, - - - - -	[252	Brown of M.	253	
Proposing to amend the present execution laws, - - - - -	258	Hargrove,	259	
Calling on the Auditor of State for information, - - - - -	266	Robinson,	266	
Requesting the State Auditor to furnish names of certain contractors on M. & I. Railroad, - - - - -	266	O'Neill,	266	
Calling on Treasurer for amount paid for water rents on I. division of Central Canal, - - - - -	266	Johnson,	266	
Making the offence of disinterring a corpse punishable in the penitentiary, - - - - -	266	Wheeler,	266	
Relative to taking up sinking fund treasury notes, - - - - -	266	Dufour,	267	
Calling on Sec. of State for information relative to Revised Code, - - - - -	267	Wilson,	267	
Concerning the practice in actions of debt or assumption, - - - - -	267	Mathers,	267	
Authorizing the Enrolling Clerk to employ assistants, - - - - -	267	McCormick,	267	
Relative to vacating the seat of W. J. Brown as member of this Ho.	289	Stratton,		Ref.com.St.Lib.

Resolving that the House will hold evening sessions,	292	Shoup,	293	Laid on table. 292
On granting the use of this Hall to Rev. F. Tevis,	293	Brown of M.		
Proposing to postpone the time for county treasurers to make settlement, &c.	297	Butler of V.	297	
Relative to receiving written proposals for leasing water power,	297	Marsh,	297	
Reducing the fees to be demanded of aliens for naturalization papers,	297	Bowers,	297	
Declaring that W. J. Brown faithfully discharged the duties of librarian,	306	Com. on State Lib.	309	
Directing the Treasurer not to pay the amount of warrant No. 5806,	306	do	309	
Directing the Auditor to cancel warrant No. 5806,	306	do	310	
Granting the use of the Hall to democratic convention,	310	Mr. Bradley,	310	
Directing clerk to withhold bill No. 52 of House,	318	Wilson,	318	
Granting the use of Hall to education convention,	324	Tingley,	324	
Inquiring why the State Printer has not furnished Mr. Palmer's rep't,	324	O'Neal,	325	
Calling on Auditor of State for report of agent on New Albany and Vincennes road,	340	Lingle,	340	
Granting the use of Hall to Rev. E. B. Mann,	341	Edwards,	341	
Suspending the rule requiring House to adjourn on certain days,	341	Robinson,	341	
Requesting the Auditor of State to give certain information,	362	Whight,	363	
Concerning the purchase of Sunday school library for convicts,	363	Simonson,	363	
Concerning suspending action on the revision to clear the files,	363	Norvell,		Lost. 363
Proposing to hold night sessions on certain evenings,	363	Denny,		" 363
Relative to cost of printing and binding Revised Code in German,	363	Millikin,		Laid on table. 364
On repealing 30th section of Bank charter,	364	Jones,	364	
Proposing to meet at 8 o'clock, A. M. and 4 past 1 in afternoon,	364	Dufour,	365	
Relative to borrowing money for payment of expenses, &c.	365	Dufour,		Laid on table. 366
Calling on Bank Examiner and President of Bank for information,	366	Bradley,	479	" 367
Relative to suing out <i>scire facias</i> against State Bank,	367	Tingley,		" 367

RESOLUTIONS—Continued.

SUBJECT MATTER OF.	Introduced.	Mover's name.	Adopted.	Other proceedings.
Concerning the reasons House had in laying Mr. Bradley's resolution on table, - - - - -	367	Mr. Gorman,	368	
Concerning the reasons minority had for voting against laying Mr. B's resolution on table, - - - - -	368	Wilson,	371	Lost. 371
Proposing to give commission merchants power to sell certain goods, Inquiring into the expediency of abolishing public executions for crime, Relative to abolishing tax on polls, - - - - -	370	Shelby,	371	Laid on table. 371
Giving use of the Hall to whig convention, - - - - -	371	Coffin,	371	
Amending the 6th article of act for support of illegitimate children, Raising committee to inquire into conduct of Dr. McClure, agent on Madison and Indianapolis Railroad, - - - - -	371	Mitchell,	371	
Providing for selling the rents and profits of decedent's estates first, Proposing to go into election of commissioner of seminary land in Gibson and Monroe counties, - - - - -	380	Wheeler,	380	
Concerning salaries of Secretary, Treasurer, and Auditor, Authorizing clerks of House to employ assistants, - - - - -	417	Butterfield,	418	
Requesting the Senate to return bill of House No. 127, Inviting Senate to go into election of com'r on W. & E. Canal W. of Tippecanoe river, - - - - -	435	Norvell,	435	Laid on table. 435
	435	Summers,	435	
	435	Hargrove,	435	
	436	Moore of O.	436	
	436	Logan,	436	
	438	Shoup,	438	Lost. 436
	438	Brown of M.	438	

Proposing to refer Mr. Palmer's report to com. on State Bank, &c.	443	Marvin,	443
Calling on Tr. to inquire of Pres't of Bank relative to \$85,000, &c.	460	Davis of S.	461
Relative to superintendent of common schools,	461	Proctor,	461
Inviting the Senate into Hall to proceed to election of U. S. Senator,	468	Simonson,	469
Returning to Senate their message of 23d January, (U. S. Senator,)	469	Henley,	471
Tendering the use of Hall to Rev. Mr. Shaw,	470	Thompson,	470
Proposing to go into election of U. S. Senator on Tuesday 24th Jan.	471	Tingley,	471
Calling on Pres't of State Bank for information on sundry subjects,	476	Marvin,	478
Concerning the reduction of land as valued in Rush county,	479	Shoup,	479
Relative to the duty of district treasurers,	488	Millikin,	488
Inviting the Senate into Hall to proceed to election of U. S. Senator,	490	Dufour,	490
Proposing to amend law regulating public roads and highways,	497	Marvin	497
Exempting from taxation property employed in producing silk, hemp, &c.	497	Proctor,	497
Reducing the expenses of tavern licenses, &c.	520	Butler of V.	520
Proposing to amend the charter of State Bank,	541	Millikin,	541
Relative to procuring returns from militia to Adjutant General,	541	Baker,	541
Providing for destruction of Treasury Notes received in Treasury,	541	Clements,	541
Directing judiciary committee to report certain bill,	542	Lowe,	542
Requesting Senate to return message of House,	552	Goodenow,	552
Requiring com. on revision to continue sch. com'r in Clark's grant,	557	Simonson,	558
Proposing to allow orphan children the same dower allowed to widows,	576	Moore of O.	576
Calling on Governor for information relative to public arms,	589	Baker,	589
Refusing to receive or entertain new business after 9th Feb. 1843,	597	Thompson,	597
Giving use of Hall to Wash. Temperance Society for grand rally,	627	Brown of M.	627
Calling on Auditor of Public Accounts for cost of enrolling, &c.	632	Claypool,	632
Directing com. on county boundaries to report back bill No. 95,	636	Moore of F.	636
Appropriating proceeds of W. & E. C. lands for com. sch. education,	641	Henley,	702, 760, 784
Proposing to appoint three members of Legislature as a b'd of visitors,	702	Butler of V.	703

Laid on table. 469

RESOLUTIONS—Continued.

SUBJECT MATTER OF.

Subject Matter of.	Introduced.	Mover's name.	Adopted.	Other proceedings.
Relative to establishing the east line of the county of Madison,	703	Mr. Williams,	703	
Embracing the decisions of Supreme Court in Revised Statutes,	703	Tavis,	703	Laid on table 703
Proposing to establish a Branch of State Bank at Connerville,	703	Meeker,		
Requesting Senate to appoint Committee of Conference relative to				
Gen. Jackson's fine,	703	Simonson,	703	
Tendering thanks of House to Hon. Speaker (T. J. Henley),	703	O'Neal,	703	Unanimously.
Authorizing Treasurer to deliver to each member two State Bonds,	703	Henley,	703	
Directing Clerk of House to return to Senate certain message,	725	Myers,	725	
Tendering vote of thanks to Clerks of the House,	732	Nelson,	732	Unanimously.
Relative to electing Congressmen by districts,	757	Brown of D.,	757	
Proposing a re-organization of the militia, concerning West Point Academy,	757	Norvell,	757	
Directing Treasurer to report the amount of money paid each member, &c.,	765	Wilson,	765	
Appointing Committee to inform Governor that both Houses are ready to adjourn, &c.,		Moore,	808	
Informing the Senate that the H. R. is ready to adjourn <i>sine die</i> ,		Meeker,	813	

REVISION OF THE LAWS.

Action of House thereon, 170, 191, 207, 214, 239, 241, 248, 260, 283, 325, 347, 368, 406, 465, 484, 499, 567, 568, 593, 594, 595, 596, 638, 639, 642, 643, 644, 645, 646, 647, 675, 686, 689, 695, 711, 711, 623, 738, 741, 742, 742	
Messages from Senate relative to, - - -	322, 463, 576, 723

RULES.

Mr. Butler of V. offered for adoption—carried, - - -	36
Rules of last session adopted, - - -	29
Amending rules, - - - - -	77, 208, 218

RUSH, JOHN W.

Elected Enrolling Clerk, - - - - -	8
------------------------------------	---

S

SECRETARY OF STATE.

Communication from, as to census of Indiana in 1840, - -	129
Communication from, - - - - -	405

SENATOR IN CONGRESS OF UNITED STATES.

Senate proposes to go into election, - - -	46, 397, 432
House proposes, - - - - -	117, 120, 471, 469
Senate communicates preamble and resolution relative to, -	468
House returns said preamble and resolution to Senate, -	471
Senate reciprocates resolution of House, - - -	485
Votes of both Houses for, - - -	490, 491, 492, 493, 494, 495

SENATE.

Organization of, announced, - - - - -	8
Announces the adoption of joint rules, - - - - -	13
Appoint Committee to wait on Rev. Mr. Berry, - - -	13
Appoint Committee to wait on Governor, - - -	13
Returning a certain message to House, - - - - -	37
Announcing the desire of Senate to proceed to the election of Judges, &c., - - - - -	37
Proposing to go into election of United States Senator, -	46, 397
Action of House thereon, - - - - -	91, 100, 101, 117, 118

Announcing concurrence in resolution of adjournment on certain days, - - - - -	193
Informing the House of the appointment of a certain committee, - - - - -	232
Communicate resolutions relative to death of Hon. E. L. Dunbar, - - - - -	254
Informing House of suspension of resolution relative to adjourning on certain days, - - - - -	357
Proposing to go into election of Commissioner on Wabash and Erie Canal west of Lafayette, - - - - -	379
Proposing to proceed to election of Bank Directors, - - - - -	415
Concerning the order to be observed in the election of Bank Directors, - - - - -	444
Communicating preamble and resolution relative to election of United States Senator, - - - - -	468
Informing House of reciprocation of resolution to proceed to elect United States Senator, - - - - -	485
Requesting House to return certain message to Senate, - - - - -	724
Informing H. R. of reciprocation of resolution to wait on the Governor, &c., - - - - -	809
Informing H. R. of readiness to adjourn <i>sine die</i> , - - - - -	813

SERGEANT-AT-ARMS.

Election of David Stipp, - - - - -	16
------------------------------------	----

SPEAKER.

Election of, - - - - -	5
Appoints standing committees, - - - - -	10
Announces order of business, - - - - -	12
Lays before the House communications, - - - - -	58, 71, 90, 171
From the Revisors, Messrs. Bigger and Dunn, - - - - -	91, 102
From Auditor of State in relation to bonds Wabash and Erie Canal lands, - - - - -	102
From Visiter of State Prison, - - - - -	112
From Hon. Samuel Merrill in relation to Sinking Fund, - - - - -	120
From Agent of State, - - - - -	121
From N. B. Palmer, Bank Examiner, - - - - -	133
From M. G. Bright, Agent of State, - - - - -	171
From Joseph F. Brown, Principal Clerk H. R., - - - - -	171
From His Excellency the Governor, relative to State Prison, - - - - -	171
From John B. Dillon, concerning History of Indiana, - - - - -	203
From President of State Bank, - - - - -	216
From John Dumont, Prosecuting Attorney, - - - - -	234
From James Blair, Commissioner on Wabash and Erie Canal west of Tippecanoe river, - - - - -	277
From John Vawter of Jennings county, - - - - -	295
From W. Jennings Vawter, - - - - -	315
From John Dowling, for Dowling & Cole, State Printers, - - - - -	337

From G. W. Branham, Secretary of Vernon Savings Institution,	347
From the Governor, relative to J. J. Cohen, jr. and Brothers,	452
From the Governor, relative to disabled boatmen,	455
From Samuel Merrill, President of the State Bank,	559
From Governor, concerning Gen. Jackson's fine,	615
From Governor, concerning American bond-holders,	615
From N. B. Palmer, Bank Examiner,	676
From His Excellency the Governor (Quarter M. General),	714
From N. B. Palmer, Bank Examiner,	714
The petition of Abel C. Coffin, <i>et al.</i> of Henry county,	750
From C. W. Cady, Secretary of Indiana Mutual Fire Insurance Company,	782

STATE BANK.

Report of President of (<i>see Doc. Journal</i>).	
Report of Bedford Branch (<i>see Doc. Journal</i>),	71
Report of Lawrenceburgh and Evansville Branches,	90
Communications from President of,	90, 216, 559
Reports of Branches of, ordered to be published,	561

STATE LIBRARY.

Report of Committee on, in case of W. J. Brown.	
Communications from Mr. Wheeler, chairman,	303
Communications from Mr. Reeve from the minority of the committee on the same subject,	306, 307

STATE PRISON.

Report of Superintendent,	58
Report of Visiter,	112

T

TREASURER OF STATE.

Communications from,	71, 386
Report from,	190
Communication from, concerning probate judges,	213
Communication from, relative to Bank Scrip in Treasury, &c.,	293
Communication from, relative to water rents on Central Canal,	440

U

UNITED STATES SENATOR, ELECTION OF.

1st joint <i>viva voce</i> vote,	490
2d joint <i>viva voce</i> vote,	491

3d joint <i>viva voce</i> vote,	-	-	-	-	-	-	492
4th joint <i>viva voce</i> vote,	-	-	-	-	-	-	492
5th joint <i>viva voce</i> vote,	-	-	-	-	-	-	493
6th joint <i>viva voce</i> vote,	-	-	-	-	-	-	494
Edward A. Hannegan elected,	-	-	-	-	-	-	494

V

VALEDICTORY

Of Speaker of House of Representatives,	-	-	-	-	814
---	---	---	---	---	-----

W

WHEELER, AMZI L. (*Chairman Com. on State Library.*)

Communication from,	-	-	-	-	-	-	292
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ERRATA IN HOUSE JOURNAL.

Page 3, next to bottom line, for "*George R. Steele*" read *George K. Steele*.

Page 4, fifth line from top, for "*John P. Cooley*" read *John T. Cooley*.

Page 97, read *A. L. Robinson* for "*A. S. Robinson*."

Page 44, tenth line from bottom, for "*Fuller*" read *Fulton*.

Page 48, third line from bottom, for "*Senate by Mr. Maguire their*" read *Governor by Mr. Kiersted his*.

Page 79, in Mr. Myers's resolution, for "*amount*" read *account*.

Page 91, title to bill No. 9, for "*confine*" read *confirm*.

Page 101, for "*Peasley*" read *Peaslee*.

Page 102, in eighth line from bottom, omit "*Judiciary*."

Page 141, bill No. 82, for "*the north part of*" read *Northport*.

Page 268, bill No. 176, for "*Thanas*" read *Thomas*.

Page 268, bill No. 179, for "*Warrana*" read *Warram*.

Page 721, bill No. 113, for "*recover*" read *reconvey*.

For "*Lafayette Huzzas*," wherever it occurs, read *Lafayette Hussars*.

NOT TO BE CIRCULATED

11



